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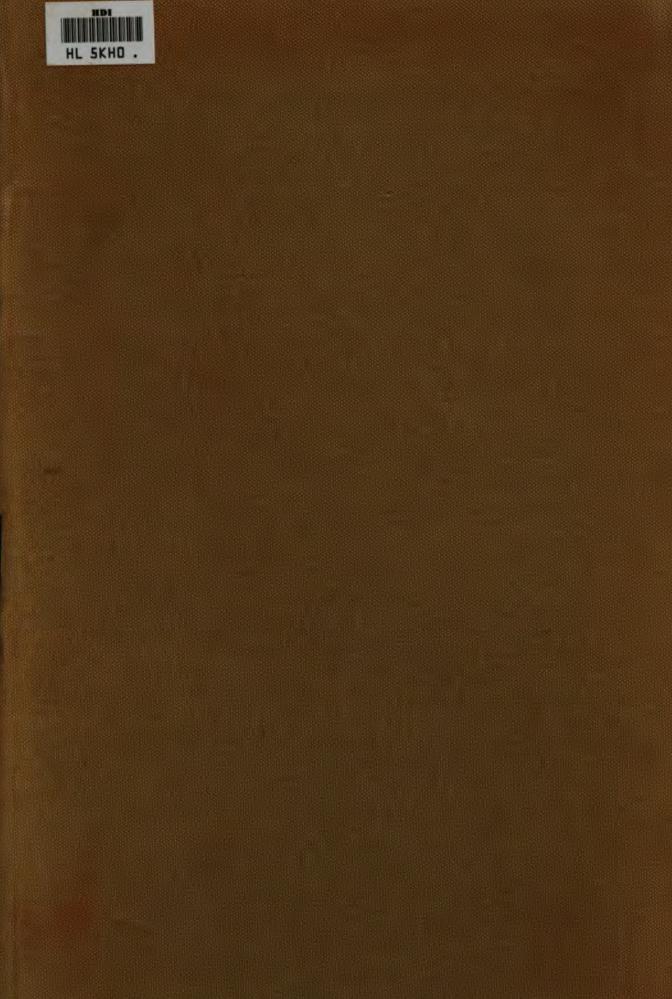
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CONTENTS.

							•		Page
CHRONOLOGICA	L	TABLE,	FOR	THE	PERIOD	COMPRISED	IN	THIS	
VOLUME -	•	-	-	•	-	• .	•		▼
THE STATUTE	ZS.	(REVISE	D)		-			•	1

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CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME,

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CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.

Year, statute as chapter.	nd	Subject-matter.	Reason for total or partial omission.	Page
& 7 Vict. (184	3).			
c. 1.	´.	Forged exchequer bills)	i	
c. 2.		Coal vendors penalties		
c. 3.	-		Rep., Stat. Law Rev. Act, 1874	
		Mutiny	(No. 2).	
c. 4.	-	Marine mutiny	, , ,	
c. 5.	•	Supply		
с. б.	•	House of Lords oaths	Rep., 29 & 30 Vict. c. 19. s. 6.	
c. 7.	-	Pardons and tickets of leave to transported convicts.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	1
c. 8.	•	Power of justices of the peace in Ire- land to act as to rates, though liable thereto.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	3
с. 9.	-	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 10.	-	Punishment of death	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 11.	-	Sudbury disfranchisement, witnesses' indemnity.	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 12.	-	Holding of coroners' inquests -	Rep. in part, Stat. Law Rev. Acts, 1861, 1874 (No. 2).	3
c. 13.	-	Government of settlements on coast of Africa and in Falkland Islands.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	4
cc. 14-16		Slave trade suppression, treaties with Bolivia, Texas, Uruguay.	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 17.	-	Exchequer bills	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 18.	•	Registration of persons entitled to vote, and regulation of proceedings at parliamentary elections in England.	Rep. in part— 30 & 31 Vict. c. 102. s. 46. 35 & 36 Vict. c. 33. s. 32. (temp.) 37 & 38 Vict. c. 53. s. 5. Stat. Law Rev. Act, 1874 (No. 2).	5
c. 19.	-	Thatched House Court and Little St. James's Street.	Local and personal.	
с. 20.	-	Abolition and regulation of offices on Crown side of Court of Queen's Bench.	Rep. in part 28 & 29 Vict. c. 45. s. 8. Stat. Law Rev. Act, 1874 (No.4).	49
c. 21.	-	Turnpike Acts, Ireland, continuance -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 22.	-	Validity of laws, &c. of colonial legis- latures for admission of evidence of certain persons.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	53
c. 23.	-	Enfranchisement of copyhold lands -	Rep. in part, 21 & 22 Vict. c. 94.	54
c. 24.	-	Amendment of laws relating to land tax, assessed taxes, and income tax.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	59
c. 25.	-	Annuity to Princess Augusta (Duchess of Mecklenburgh Strelitz).	Local and personal.	
c. 26.	•	Millbank Prison	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	61
c. 27.	-	Sugar duties	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
	- 1		(410, 4).	
e. 28.		Parliamentary elections, Ireland -	Rep., 34 & 35 Vict. c. 48.	

CHRONOLOGICAL TABLE-continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
& 7 Vict. (cont.			
c. 30.	Amendment of law relating to pound breach and rescue.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	68
c. 31.	- Chelsea Hospital	Local and personal.	40
с. 32.	- Grand jury presentments in counties of cities and towns in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2). Sects. 15, 21-25, spent.	69
с. 33.	- Salmon fisheries	Rep., 24 & 25 Vict. c. 109.	
c. 34.	- Apprehension of certain offenders -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	76
c. 35.	Norfolk Island	Rep., Stat. Law Rev. Act, 1874	
с. 36.	Exemption from rates of lands, &c. occupied by scientific or literary so-	(No. 2).	79
c. 37.	Better provision for the spiritual care of populous parishes.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	81
c. 38.	- Regulations for facilitating the hearing of appeals and other matters by	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	89
с. 39.	Judicial Committee of Privy Council. Confirmation of certain marriages in	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	92
c. 40.	Prevention of frauds, &c. by persons employed in woollen, &c. manufactures, and securing of property of	Rep. in part— Stat. Law. Rev. Act, 1874 (No. 2).	93
c. 41.	manufacturers and wages of work- men, &c., in England. - Loan societies -	38 & 39 Vict. c. 86. s. 17. Rep., Stat. Law Rev. Act, 1874	
c. 42.	- Presentments for freeing bridges from	(No. 2). Rep. in part, Stat. Law Rev. Act,	105
c. 43.	tolls in Ireland. Militia ballots suspension	1874 (No. 2). Rep., Stat. Law Rev. Act, 1874	
c. 44.	- Advances for public works in Ireland -	(No. 2). Rep. in part, Stat. Law Rev. Act,	107
c. 45.	- Usury	1874 (No. 2). Rep., Stat. Law Rev. Act, 1874	į
c. 46.	- Slave trade suppression	(No. 2). Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 47.	- Controverted elections]	Rep., Stat. Law Rev. Act, 1874	1
c. 48.	- Poor rates	(No. 2).	1
c. 49. cc. 50–53.	- Duties on spirits	1 = 1 = 1 = 1	
c. 54.	- Limitations of time for suits as to rights of presentation to churches, &c., Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2). Residue local and personal.	
c. 55.	- Exchequer Court, Ireland, equity side -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 56.	- Fines, &c., Ireland	Rep., 14 & 15 Vict. c. 90. s. 19.	ĺ
c. 57.	- Relief of certain bishops, Ireland -	Local and personal.	1
c. 58.	- Admiralty lands	Rep., 28 & 29 Vict. c. 112. s. 1.	1
c. 59.	- Highway rates	Rep., Stat. Law Rev. Act, 1874	}
c. 60.	- Ecclesiastical jurisdiction	(No. 2).	Ì
c. 61.	- Admission to benefices, Scotland -	Rep., 37 & 38 Vict. c. 82. s. 3.	}
c. 62.	- Incapacitated bishops	Rep., 32 & 33 Vict. c. 111. s. 15.	1
c. 63.	West Indies relief	Rep., Stat. Law Rev. Act, 1874	1
c. 64.	Purchase of office of keeper of Holyrood	(No. 2). Local and personal.	
. CE	Park, &c.	Dan in most Stat Tom Dan A-4	100
c. 65,	- Copyright of designs	Rep. in part, Stat. Law Rev. Act,	109

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page
& 7 Vict. (cont.)			
c. 66.	Amendment of 3 Geo. 4. c. 39. as to filing of warrants of attorney to confess judgment.		112
c. 67.	Writs of error upon proceedings on writs of mandamus.		113
c. 68.	Regulation of theatres	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	115
	- Turnpike Acts continuance]	Rep., Stat. Law Rev. Act, 1874	
0. 70.	Militia pay}	(No. 2).	
c. 71.	Grand jury presentments, Ireland - J	1 ' '	
J. 1 – .	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 73.	Consolidation and amendment of laws relating to attorneys and solicitors in England.	Rep. in part— 23 & 24 Vict. c. 127. s. 2. 34 & 35 Vict. c. 18. s. 1. Stat. Law Rev. Act, 1874 (No. 2).	119
		38 & 39 Vict. c. 79, s. 2.	
c. 74.	Arms, &c., Ireland	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
cc. 75, 76.	- Extradition	Rep., 33 & 34 Vict. c. 52. s. 27.	
c. 77.	Regulation of cathedral churches in Wales.	Rep. in part, Stat. Law Rev. Act, 1874 (No.2).	137
c. 78. c. 79:	Remembrancers of Exchequer Court, Ireland.	Rep., Stat. Law Rev. Act, 1874 (No. 2). Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 80.	- Fisheries, convention with France - Government of British subjects in	Rep. in part, Stat. Law Rev. Act,	139
01	China. Sessions of the peace, Dublin	1874 (No. 2). Rep., 14 & 15 Vict. c. 57. s. 1.	103
c. 82.	Commissions to enable persons to take affidavits, and for examination of witnesses.		141
	Amendment of law as to duties of coroners.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	143
c. 84.	Customs	Rep., 8 & 9 Vict. c. 84. s. 2.	144
c. 85. c. 86.	Improvement of law of evidence	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	144 14!
C. 60.	Regulation of hackney and stage carriages in and near London.	Rep. in part — 32 & 33 Vict. c. 14. s. 39. Stat. Law Rev. Act, 1874 (No. 2).	146
c. 87.	Supply	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 88.	- St. Michael's church, Limerick	Local and personal.	
c. 89.	Regulation of municipal corporations in England.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	160
	Service of clerks to public notaries, and admission of public notaries.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	162
c. 91. c. 92.	Regulation of charitable loan societies in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	166
G. 32.	Relief of the poor in Ireland -	Rep. in part— 31 & 32 Vict. c. 49. s. 15. Stat. Law Rev. Act, 1874 (No. 2). Rep. in part—	190 198
с. 93.	Regulation of municipal corporations in Ireland.	35 & 36 Vict. c. 33. s. 32. (temp.) Stat. Law Rev. Act, 1874 (No. 2). Sect. 26, spent in part.	150
	Exercise of jurisdiction by her Majesty in places out of her dominions.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	214
	Chelsea Hospital out-pensioners	Rep., 30 & 31 Vict. c. 110. s. 20.	
	Defamation and libel	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	217
c. 97.	Sudbury bribery commission		

CHRONOLOGICAL TABLE-continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page
& 7 Vict. (cont.)			
c. 98.` -	Suppression of the slave trade -	Rep. in part— 36 & 37 Vict. c. 88. s. 30. Stat. Law Rev. Act, 1874 (No 2).	220
c. 99	Appropriation	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
& 8 Vict. (1844). c. l.	Raising money for improvements in the		
c. 2.	Metropolis. Trial of offences committed on the high	Residue local and personal. Rep. in part, Stat. Law Rev. Act,	22
c. 3	seas. Actions for gaming	1874 (No. 2). Rep., Stat. Law Rev. Act, 1874	
cc. 4, 5	National debt	(No. 2). Rep., Stat. Law Rev. Act, 1870.	
c. 6 c. 7	Supply } Gaming transactions }	Rep., Stat: Law Rev. Act, 1874 (No. 2).	
c. 8	Teachers of schools, Ireland -	Rep., 13 & 14 Vict. c. 102. s. 60.	
c. 9	Mutiny	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 10 c. 11	Indemnity Marine mutiny	Rep., 34 & 35 Vict. c. 48. Rep., Stat. Law Rev. Act, 1874	
c. 12	International copyright	(No. 2). Rep. in part, Stat. Law Rev. Act,	224
c. 13	Forest of Dean	1874 (No. 2). Local and personal.	
c. 14	Exchequer bills	Rep. Stat. Law Rev. Act, 1874 (No. 2).	
c. 15	Amendment of laws relating to labour in factories.	Rep. in part— 13 & 14 Vict. c. 54. ss. 2, 7. 34 & 35 Vict. c. 104. s. 11. 37 & 38 Vict. c. 44. ss. 14, 21.	232
		Stat. Law Rev. Act, 1874 (No.2).	
c. 16 c. 17	Customs	Rep., 8 & 9 Vict. c. 84. s. 2. Rep. in part, Stat. Law Rev. Act,	260
c. 18	Courts-martial in the East Indies -	1874 (No. 2).	263
c. 19.	Regulation of bailiffs of inferior courts-	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	265
c. 20.	Debt of city of Edinburgh	Local and personal.	
c. 21.	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 22	Amendment of laws for preventing frauds, &c. in marking gold and	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	267
c. 23.	silver wares in England. Assaults, Ireland	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 24	Abolition of offences of forestalling, regrating, &c.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	277
c. 25	Excise licences to and regulation of makers of vinegar.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	278
c. 26	Slave trade suppression	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 27	Limitation of time for suits as to rights of presentation to churches, &c., Ire-	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 28	land. Sugar duties	Residue local and personal.	
c. 28 c. 29	Destruction of game by night -	Rep., Stat. Law Rev. Act, 1861. Rep. inpart, Stat. Law Rev. Act, 1874 (No. 2).	279
c. 30	Stipendiary magistrate, Manchester and Salford.		
c. 31	Warehousing of foreign goods for home consumption at Manchester.	Local and personal.	
c. 32	Regulation of issue of bank notes; and privileges of Bank of England.	Rep. in part— 19 & 20 Vict. c. 20. s. 1. Stat. Law Rev. Act, 1874 (No. 2).	280

CHRONOLOGICAL TABLE-continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
7 & 8 Vict. (cont.)			
с. 33,	Collection of police and other rates by guardians of unions, &c. and relief of high constables from attendance at quarter sessions, &c.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	292
с. 34.	Prisons, Scotland	Rep., 23 & 24 Vict. c. 105. s. 1.	1
0. 00.	- Militia ballots suspension -)	Rep., Stat. Law Rev. Act, 1874	l
c. 36.	- Turnpike Acts, Ireland, continuance - J	(No. 2).	
с. 37.	Terms of parliamentary grants towards building, &c. of schools; and amendment of 4 & 5 Vict. c. 38. as to conveyance of sites for schools.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	297
-	Regulation of charitable loan societies in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	299
J, J	- Income tax	Rep., Stat. Law Rev. Act, 1870.	
0	- Poor rates	Rep., Stat. Law Rev. Act, 1874	1
01 121	Turnpike Acts, Great Britain, continuance.	(No. 2).	
c. 42.	Scotch and Irish paupers removal	Rep., 8 & 9 Vict. c. 117. s. 1.	
c. 43. c. 44.	- Customs Division of extensive and populous	Rep., 8 & 9 Vict. c. 84. s. 2. Rep. in part, Stat. Law Rev. Act,	300
G. TT.	parishes, and erection of new parishes, in Scotland.	1874 (No. 2).	300
с. 45.	Regulation of suits relating to meeting houses, &c. of Protestant dissenters.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	309
c. 46.	- Amendment of laws relating to assessed taxes, property tax, and duty on pensions and offices of profit.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	310
с. 47.	- Amendment and continuance of Acts relating to linen and hempen manu- factures in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	313
c. 48.	- Butter and cheese trade	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
	Regulation of colonial posts -	Rep. in part— Stat. Law Rev. Act, 1874 (No. 2). in gen. terms, 38 & 39 Vict. c. 22. s. 14.	315
c. 50.	- District courts and prisons	Rep., 28 & 29 Vict. c. 126. s. 73.	
	- Soap duties allowances	Rep., Stat. Law Rev. Act, 1874 (No. 2)	017
	Appointment and payment of parish constables.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	317
c. 53, c. 54,	- Disfranchisement of Sudbury	Rep., Stat. Law Rev. Act, 1874 (No. 2).	l
	Enfranchisement of copyhold lands	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	318
c. 56.	Banns and marriages in certain district churches or chapels.		320
с. 57.	- Western Australia government - \	Rep., Stat. Law Rev. Act, 1874	l
J. 55.	- Actions for gaming	(No. 2).	
с. 59,	Regulation of offices of lecturers and parish clerks.		323
c. 60.	- Care and preservation of Trafalgar Square.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2). Residue local and personal.	
	Annexation of detached parts of counties to counties in which they are situate.	Rep. in part, Stat. Law. Rev. Act, 1874 (No. 2).	326
	- Burning of farm buildings	Rep., 24 & 25 Vict. c. 95. s. 1.	
-	Party processions, Ireland	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 65.	Duchy of Cornwall lands	Local and personal.	
c. 66.	Aliens	Rep., 33 & 34 Vict. c. 14. s. 18.	l

CHRONOLOGICAL TABLE - continued.

Year, statute and chapter.	Subject-matter.	. Reason for total or partial omission.	Page
7 & 8 Vict. (cont.)			
		Rep. in part, Stat. Law Rev.	
с. 67.	Post-horse licence duties, Ireland -	Act, 1874 (No. 2). Residue virt. rep., 32 & 33	
c. 68	Returns from registrars of ecclesiastical	Vict. c. 14. s. 17. Rep. in part, Stat. Law Rev. Act,	328
	courts.	1874 (No. 2).	
с. 69.	Administration of justice in the Privy Council.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	329
c. 70	Arrangements between debtors and creditors.	Rep., 32 & 33 Vict. c. 83. s. 20.	
c. 71	Administration of criminal justice in Middlesex.	Rep. in part— 37 & 38 Vict. c. 7. s. 5. Stat. Law Rev. Act, 1874 (No. 2).	332
c. 72	Customs, New South Wales	Rep., Stat. Law Rev. Act, 1875.	
c. 72.	Customs	Rep., 9 & 10 Vict. c. 58. s. 1.	
c. 74	Amendment of Act for government of	Rep. in part, Stat. Law Rev. Act,	335
G. 74	New South Wales and Van Diemen's Land.	1875.	000
c. 75	Militia pay	Rep., Stat. Law Rev. Act, 1874	
c. 76	Transfer of property	(No. 2). Rep., 8 & 9 Vict. c. 106. s. 1.	
c. 77		Rep., 37 & 38 Vict. c. 81. s. 12.	
c. 78	Unlawful oaths, Ireland	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 79	Appointment of land tax commissioners	Local and personal.	
c. 80.	National debt	Rep., Stat. Law Rev. Act, 1870. Rep. in part—	338
		26 & 27 Vict. c. 11. s. 8.	000
c. 81	Marriages in Ireland, and registration of such marriages -	Stat. Law Rev. Act, 1874 (No. 2).	
c. 82	Spirits, Ireland	Sect. 82, spent, Rep., Stat. Law Rev. Act, 1874	
0. 02.	Spirits, Itelana 4 , = = =	(No. 2).	205
c. 83	A	Rep. in part—	365
c, 83	Amendment of laws relating to savings	16 & 17 Vict. c. 45. s. 1.	
	banks, and purchase of government- annuities through savings banks -	Rep., 26 & 27 Vict. c. 87. s. 1., but see saving, and 24 & 25	
- 04	Dominion of complemention and area	Vict. c. 14. s. 14.	960
c. 84	Regulation of construction and use of buildings in the Metropolis and its neighbourhood.	Rep. in part, 18 & 19 Vict. c. 122. s. 109.	369
c. 85	Regulation of construction, &c. of	Rep. in part—	
	railways.	31 & 32 Vict. c. 119. s. 47. 34 & 35 Vict. c. 78. s. 17.	379
•	•	Stat. Law Rev. Act, 1874 (No. 2).	
c. 86.	Clerks not disqualified by attorneys, &c. not taking out or registering certifi-	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	387
c. 87	cates. Regulation of slaughter-houses	Rep. in part, Stat. Law Rev. Act,	387
a 90	Widening See of Disco Jin.	1874 (No. 2).	
c. 88 c. 89	Widening, &c. of Piccadilly Audit of accounts of Woods and Forests	Rep. in part, Stat. Law Rev. Act,	390
•	Commissioners.	1874 (No. 2).	001
c. 90	Protection of numbers as assistant	Rep. in part— 13 & 14 Vict. c. 74. ss. 3, 7.	391
c. 90	Protection of purchasers, &c. against unregistered judgments, &c. and	20 & 21 Vict. c. 60. s. 2. 34 & 35 Vict. c. 72. s. 1.	
	office for registration of judgments,	Stat. Law Rev. Act, 1874	
		(No. 2).	
	1	Sect. 31, spent.	

CHRONOLOGICAL TABLE-continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
7 & 8 Vict. (cont.)		Rep. in part—	401
с. 91.	Consolidation and amendment of laws relating to turnpike trusts in South Wales	8 & 9 Vict. c. 61. s. 10. Stat. Law Rev. Act, 1874 (No. 2). 38 & 39 Vict. c. 35. s. 3.	
c. 92.	Office of county coroner	Sect. 70, spent in part Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	431
c. 93. c. 94.	Arbitrations Amendment of Act making better provision for spiritual care of populous parishes.	Rep., 28 & 29 Vict. c. 126. s. 73. Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	438
с. 95.	Proservation of salmon fisheries in Scot- land.		441
c. 96.	Amendment of law of execution -	Rep. in part— 32 & 33 Vict. c. 83. s. 20. Stat. Law Rev. Act, 1874 (No. 2).	442
с. 97.	Application of charitable donations and bequests in Ireland.	Rep. in part— 34 & 35 Vict. c. 102. s. 4. Stat. Law Rev. Act, 1874 (No. 2).	445
c. 98. c. 99.	- Grand canal, Ireland	Local and personal.	ļ
c. 100.	Importation	Rep., Stat. Law Rev. Act, 1874	Ţ
с. 101.	Amendment of the laws relating to the poor in England.	(No. 2). Rep. in part— 21 & 22 Vict. c. 67. 30 & 31 Vict. c. 106. ss. 6, 16. 35 & 36 Vict. c. 65. s. 2. Stat. Law Rev. Act, 1874 (No. 2).	451
c. 102.	Roman Catholics	Rep., Stat. Law Rev. Act, 1874 (No. 2).	İ
0, 100,	- Controverted elections	Rep., 11 & 12 Vict. c. 98. s. 1.	1
c. 104.	- Appropriation	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 105. c. 106.	- Duchy of Cornwall manors - Consolidation and amendment of laws	Local and personal. Rep. in part—	479
e. 10 0 .	regulating grand jury presentments in county of Dublin.	8 & 9 Vict. c. 81. s. 1. 9 & 10 Vict. c. 37. s. 1. 27 & 28 Vict. c. 17. s. 6. Stat. Law Rev. Act, 1874	
с. 107.	Regulation of offices attached to supprior courts of law in Ireland.	(No. 2). Rep. in part— 30 & 31 Vict. c. 129. s. 44. Stat. Law Rev. Act, 1874 (No. 2).	539
c. 108.	Irish fisheries	Virt. rep. in part. Rep. in part, Stat. Law Rev. Act,	553
c. 109.	- Art unions indemnity	1874 (No. 2). Rep., Stat. Law Rev. Act, 1874	
	- Merchant seamen	(No. 2). Rep., 25 & 26 Vict. c. 89. s. 205. Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 113.	Joint stock banks	Rep., 25 & 26 Vict. c. 89. s. 205.	1
8 & 9 Vict. (1845).			1.
c. 1. c. 2.	- Supply	Rep., Stat. Law Rev. Act, 1875.	1
c. 3.	Constables near public works, Scotland	Rep., 20 & 21 Vict. c. 72. s. 9.	
c. 4.	- Income tax	Rep., Stat. Law Rev. Act, 1875.	1.

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (cont.)			
c. 5.	Sugar duties	Rep., Stat. Law Rev. Act, 1861.	i
		rech., Duan. Daw recv. AQu, 1001.	ł
· · · · · · · · · · · · · · · · · · ·	Glass duties repeal		İ
c. 7	Certain export duties repeal	Rep., Stat. Law Rev. Act, 1875.	l
c. 8	Mutiny	2007., 0020. 220. 200. 1200, 20, 20	l
c. 9	Marine mutiny		t
c. 10	Proceedings in bastardy	Rep. in part, Stat. Law Rev. Act, 1875.	557
c. 11	Assignment of sheriffs in Wales -	Rep. in part, Stat. Law Rev. Act, 1875.	560
c. 12	Customs	Rep., 8 & 9 Vict. c. 84. s. 2.	ĺ
c. 13	Duties on sugar	Rep., Stat. Law Rev. Act, 1861.	
c. 14	Passenger ships	Rep., 12 & 13 Vict. c. 33. s. 1.	
			560
c. 15	Excise duty on auctioneers' licences -	Rep. in part, Stat. Law Rev. Act, 1875.	560
c. 16.	Companies Clauses Consolidation -	Rep. in part, Stat. Law Rev. Act, 1875.	564
c. 17	Companies Clauses Consolidation, Scotland.	Rep. in part, Stat. Law Rev. Act, 1875.	596
c. 18	Lands Clauses Consolidation	Rep. in part, Stat. Law Rev. Act, 1875.	628
c. 19	Lands Clauses Consolidation, Scotland	Rep. in part, Stat. Law Rev. Act, 1875.	667
c. 20	Railways Clauses Consolidation -	Rep. in part, Stat. Law Rev. Act, 1875.	703
c. 21	Manchester stipendiary magistrate -	Rep., 17 & 18 Vict. c. 20. s. 3.	
00	Widening of Fisher Lane, Greenwich -		
		Local and personal.	
c. 23	Exchequer bills	Rep., Stat. Law Rev. Act, 1875.	
c. 24, -	Indemnity	Rep., 34 & 35 Vict. c. 48.	
	l .	Rep. in part, 32 & 33 Vict. c. 42.	
c. 25	Maynooth college, Ireland	s. 40.	
	l ·	Residue local and personal.	
c. 26	Prohibition of fishing for trout, &c.	Rep. in part, Stat. Law Rev. Act,	744
	with nets in Scotland.	1875.	
c. 27	Military savings banks	Rep., 22 & 23 Vict. c. 20. s. 1.	
c. 28.	Variation of tolls by canal companies,	Rep. in part, Stat. Law Rev. Act,	746
C. 20.	&c.	1875.	710
- 00			
c. 29	Print works	Rep., 33 & 34 Vict. c. 62. s. 5.	850
c. 30	Amendment of Acts for administration	• • • •	750
	of justice in the Privy Council.		
c. 31	Heritable securities, Scotland	Rep., 31 & 32 Vict. c. 101. s. 4.	
c. 32	Borrowing on mortgage of county rates	Rep. in part, Stat. Law Rev. Act,	751
	in Middlesex.	1875.	
c. 33	Railway Clauses Consolidation, Scotland	Rep. in part, Stat. Law Rev. Act,	756
		1875.	
	·	Rep. in part, Stat. Law Rev. Act,	
c. 34	Abolition of seal office in Courts of	1875.	
	Queen's Beach and Common Pleas.	So far as not repealed, local and	•
	L!	personal.	
c. 35	Infeftments in heritable property in	Rep. in part—	794
•••	Scotland.	31 & 32 Vict. c. 101. s. 4.	•
	Scottanu.		
c. 36.	Accessed tower	Stat. Law Rev. Act, 1875.	
	Assessed taxes	Rep., 32 & 33 Vict. c. 14. s. 39.	
c. 37	Regulation of issue of bank notes in	Rep. in part—	797
	Ireland, and repayment of sums ad-	28 & 29 Vict. c. 16. s. 1.	
	vanced by Bank of Ireland for public	Stat. Law Rev. Act, 1875.	
	service.		
c. 38	Regulation of issue of bank notes in	Rep. in part, Stat. Law Rev. Act,	813
J. 501	Scotland.	1875.	5.0
с. 39	4 4 4	Rep. in part, Stat. Law Rev. Act,	823
U. UJ	Arrestment of wages in Scotland -		. 020
		1875.	

CHRONOLOGICAL TABLE-continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page
& 9 Vict. (cont.)			
c. 41.	- Amendment of laws concerning high- ways, bridges, and ferries in Scotland, and maintenance thereof by statute	Rep. in part, Stat. Law Rev. Act, 1875.	824
c. 42.	service, &c Carriage of goods by canal companies -	Rep. in part, Stat. Law Rev. Act, 1875.	838
c. 43.	- Museums of art	Rep., 13 & 14 Vict. c. 65. s. 1.	
	- Protection of works of art, &c	Rep., 24 & 25 Vict. c. 95. s. 1.	
0, 10,	- Timber ships	Rep., 8 & 9 Vict. c. 84. s. 2.	
с. 46,	- Appointment of constables to keep the peace near public works in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	843
c. 47.	- Dog stealing	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 48.	- Bankruptcy	Rep., Stat. Law Rev. Act, 1861.	
с. 49.	- Sir H. Pottinger's annuity	Rep., Stat. Law Rev. Act, 1875.	
c. 50.	- West Indian Islands relief	Rep. in part, Stat. Law Rev. Act, 1875.	84
c. 51.	Costs of defence, &c. of rights of eccle- siastical patronage, Ireland.	Local and personal.	
c. 52.	Declaration on admission to municipal offices.	Rep., 34 & 35 Vict. c. 48.	
с. 53.	Turnpike Acts continuance	Rep., Stat. Law Rev. Act, 1875. Rep. in part—	
c. 54.	Union and division of parishes, &c., Ireland.	11 & 12 Vict. c. 41. s. 1. 14 & 15 Vict. c. 71.	
<u> </u>	Timbomen antho Impland	Residue local and personal.	
5.0	Unlawful oaths, Ireland Charges on settled estates of expenses	Rep., 19 & 20 Vict. c. 78. s. 1. Rep. in part, Stat. Law Rev. Act,	84
<u>. 57</u>	of drainage, &c.	1875.	
50	- Art unions indemnity	1	
20	- Militia ballots suspension	Rep., Stat. Law Rev. Act, 1875.	
- 60	- Highway rates	-	
41	Loan societies	Rep. in part, Stat. Law Rev. Act,	85
- 60	turnpike trusts in South Wales.	1875.	
60	Reduction of the national debt Geological survey of Great Britain and	Rep., Stat. Law Rev. Act, 1870. Rep. in part, Stat. Law Rev. Act,	85
c. 64.	Ireland. Retail of spirits in Ireland	1875. Rep. in part, Stat. Law Rev. Act,	85
c. 65.	- Duties on spirits	1875. Rep., Stat. Law Rev. Act, 1875.	
CC	Endowment of new colleges in Ireland	Rep. in part, Stat. Law Rev. Act, 1875.	85
c. 67.	Juries, Ireland	Rep., 34 & 35 Vict. c. 65. s. 4.	
c. 68.	Stay of execution of judgment for mis- demeanors upon giving bail in error.	Rep. in part, Stat. Law Rev. Act, 1875.	86
c. 69.	Drainage of lands, &c. in Ireland -	Rep. in part, Stat. Law Rev. Act, 1875.	86
c. 70.	Amendment of Church Building Acts -	Rep. in part, Stat. Law Rev. Act, 1875.	87
c. 71.	Highways in England	Rep. in part, Stat. Law Rev. Act, 1875.	88
c. 72.	Discontinuance of Rothwell gaol, Pon-	Local and personal.	
c. 73,	tefract, Yorkshire.	Dan Stat Law Dow Act 1975	
- N A	- Shrewsbury and Holyhead road - Prevention of advertisement of foreign	Rep., Stat. Law Rev. Act, 1875. Rep. in part, Stat. Law Rev. Act,	88
a 7E	lotteries.	1875.	20
- 80	Defamation and libel Stamp duties on appraisers' licences,	Rep. in part—	88 88
	&c.	33 & 34 Vict. c. 99. Stat. Law Rev. Act, 1875.	
c. 77.	- Tickets of work to be delivered to per-	Rep. in part, Stat. Law Rev. Act,	89

CHRONOLOGICAL TABLE -continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (cont.)		_	
c. 78.	Compensation for loss of fees on abolition of certain offices in courts of law	Rep., Stat. Law Rev. Act, 1875.	
c. 79 c. 80	Poor rates Regulation of criminal jurisdiction of assistant barristers in certain counties of cities, &c. in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	894
c. 81	Grand jury presentments in county of Dublin.	Rep. in part, Stat. Law Rev. Act, 1875. Section 8, spent in part.	896
c. 82.	Militia pay	Rep., Stat. Law Rev. Act, 1875.	
c. 83.	Amendment and better administration of laws relating to the relief of the poor in Scotland.	Rep. in part, Stat. Law Rev. Act, 1875.	899
c. 84 c. 85	Customs Appointment, &c. of Commissioners of Customs.	Rep., Stat. Law Rev. Act, 1875. Rep. in part, 16 & 17 Vict. c. 107. s. 358.	925
c. 86	Regulation of the customs: Tonnage rates in port of London.	Rep. in part— 16 & 17 Vict. c. 107. s. 358, 17 & 18 Vict. c. 120. s. 4. So far as not repealed, local and	
•		personal.	
c. 87	Prevention of smuggling	Rep., Stat. Law Rev. Act, 1875.	
c. 88	Shipping, &c	Rep., 12 & 13 Vict. c. 29. s. 1.	
c. 89	Registering of British vessels -	Rep., 17 & 18 Vict. c. 120. s. 4. Rep., Stat. Law Rev. Act, 1875.	
c. 90	Duties of customs	Rep.—	
c. 91	Warehousing of goods	in part, 16 & 17 Vict. c. 107.	
	•	s. 358. residue, 25 & 26 Vict. c. 63. s. 2.	
c. 92	Customs	-	
c. 93	Trade of British possessions abroad ->	Rep., 16 & 17 Vict. c. 107. s. 358.	
c. 94	Isle of Man trade	D 0. 1 D 4 10FF	
с. 95	Waste lands, Van Diemen's Land -	Rep., Stat. Law Rev. Act, 1875.	005
с. 96	Restriction on general powers of selling and leasing railways contained in Acts of Parliament.		925
c. 97	Public funds	Rep., Stat. Law Rev. Act, 1870.	
c. 98.	Joint stock companies, Ireland	Rep., 25 & 26 Viot. c. 89. s. 205.	noc
с. 99.	Amendment of Acts relating to the management of the land revenue of the Crown.	Rep. in part, Stat. Law Rev. Act, 1875. Sects. 10 to 13, local and personal.	926
	LIE CROWN.	Rep. in part— 16 & 17 Vict. c. 96. ss. 1, 3,	931
c. 100	Regulation of the care and treatment of lunatics.	28, 35. 32 & 33 Vict. c. 91. s. 34. Stat. Law Rev. Act, 1875.	
c. 101	Duty on coal brought into London, &c.	Virt. rep. in part. Rep. in part, 14 & 15 Vict. c. cxlvi. s. 2. Residue local and personal.	
c. 102.	Usury		
c. 103.	Bonded corn	Rep., Stat. Law Rev. Act, 1875.	
c. 104	Darby Court, Westminster	Local and personal.	l
c. 105	Court of Chancery	Rep., Stat. Law Rev. Act, 1875.	
c. 106	Amendment of law of real property -	Rep. in part— 13 & 14 Vict. c. 97. s. 6. Stat. Law Rev. Act, 1875.	968
c. 107	Central asylum for criminal lunatics in Ireland, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	970

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	۱ ۱	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (cont.)	,			
o. 108.	´ -	Irish fisheries	Rep. in part—	982
			9 & 10 Vict. c. 86. s. 3. in gen. terms, 13 & 14 Vict.	
	- 1		c. 88. s. 1.	
	- 1		29 & 30 Vict. c. 88. s. 6.	
c. 109.	-	Amendment of law concerning games	Stat. Law Rev. Act, 1875. Rep. in part, Stat. Law Rev. Act,	992
		and wagers.	1875.	***
c. 110.	-	Collection of borough and watch rates	Rep. in part, Stat. Law Rev. Act,	1000
c. 111.	_	in certain places. County rates	1875. Rep., 15 & 16 Vict. c. 81. s. 1.	
c. 112.	-	Assignment of satisfied terms		1003
c. 113.	-	Admission in evidence of official and	Rep. in part, Stat. Law Rev. Act,	1004
c. 114.	_	other documents. Abolition of certain fees in criminal pro-	1875.	1006
		oeedings.		
c. 115.	-	Taxing masters for Court of Chancery	Rep. in part, Stat. Law Rev. Act,	1006
c. 116.	_	in Ireland. Merchant seamen	1875. Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 117.	-	Removal of paupers born in Scotland,	Rep. in part—	1009
		Ireland, &c., and chargeable in Eng-	24 & 25 Vict. c. 76. s. 7.	
		land.	26 & 27 Vict. c. 89. s. 3.	
c. 118.	_	Inclosure and improvement of commons,	Stat. Law Rev. Act, 1875. Rep. in part, Stat. Law Rev. Act,	1012
		&c.	1875.	3.077
c. 119.	-	Facilitation of conveyance of real pro-		1077
c. 120.	-	perty. Extradition	Rep., 33 & 34 Viot. c. 52. s. 27.	
		ſ	Rep. in part, Stat. Law Rev. Act,	
c. 121.	-	Annexation of part of county of Dro-	1875.	
		gheda to county of Meath, &c	So far as not repealed, local and personal.	ĺ
c. 122.	-	Slave trade, Brazil	Rep., 32 & 33 Vict. c. 2. s. 1.	
c. 123.	-	Naval medical supplemental fund	Rep., Stat. Law Rev. Act, 1875.	
c. 124.		society. Facilitation of granting of certain leases		1081
c. 124.		Turnpike Acts, Ireland, continuance	Rep., Stat. Law Rev. Act, 1875.	1001
c. 126.	_	Lunatics	Rep., 16 & 17 Vict. c. 97. s. 1.	
c. 127.	-	Recovery of small debts	Rep. in part—	1085
			Stat. Law Rev. Act, 1875.	
c. 128.		Tickets of work to be delivered to silk	32 & 33 Vict. c. 83. s. 20. Rep. in part—	1093
		weavers.	Stat. Law Rev. Act, 1875.	
100			38 & 39 Vict. c: 86: s. 17.	
c. 129. c. 130.	-	Exchequer bills}	Rep., Stat. Law Rev. Act, 1875.	
	-	Appropriation	-	
9 & 10 Vict. (184	l6).			700-
c. 1.	-	Amendment of Acts for promotion and	Rep. in part, Stat. Law Rev. Act,	1095
c. 2.		extension of public works in Ireland. Presentment for county works; and	1875. Rep. in part, Stat. Law Rev. Act,	1104
		payment of labourers by contractors	1875.	
		for county works in Ireland.	Por in most	1104
с. 3.	-	Encouragement of sea fisheries in Ire- land by grant, &c. of public money	Rep. in part— 9 & 10 Vict. c. 86. s. 3.	1104
		for construction of harbours, piers, &c.	Stat. Law Rev. Act, 1875.	
c. 4.	-	Drainage of lands, &c. in Ireland -	Rep. in part—	1138
	- 1		16 & 17 Vict. c. 130. s. 10.	
	j			
c. 5.		Metropolitan buildings	Stat. Law Rev. Act, 1875. Rep., 18 & 19 Vict. c. 122, s. 109.	
c. 5. c. 6. c. 7.	-	Metropolitan buildings	Rep., 18 & 19 Vict. c. 122. s. 109. Rep., Stat. Law Rev. Act, 1875.	

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page
& 10 Vict. (cont.)			
c. 8	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 9	Out-pensioners' services	Rep., 30 & 31 Vict. c. 110. s. 20.	
c. 10	Out-pensioners' payment	Rep., 19 & 20 Vict. c. 15. s. 1.	
c. 11	Mutiny	_ • •	
c. 12	Marine mutiny	Rep., Stat. Law Rev. Act, 1875.	
c. 13	Indemnity	Rep., 34 & 35 Vict. c. 48.	
		Rep., 11 & 12 Vict. c. 21. s. 1.	
c. 14 c. 15	Insolvent debtors, India Exchequer bills	Rep., Stat. Law Rev. Act, 1875.	
c. 16.	Inclosures pursuant to report of Inclosure Commissioners.	Local and personal.	
c. 17	Abolition of exclusive privileges of trading in burghs in Scotland.	Rep. in part, Stat. Law Rev. Act, 1875.	1161
c. 18	Print works	Rep., Stat. Law Rev. Act, 1875.	
c. 19.	Parliamentary elections, Ireland -	Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)	
c. 20	Deposit, &c. of money paid under standing orders of either house of Parlia-	Rep. in part, Stat. Law Rev. Act, 1875.	1162
c. 21.	ment by promoters of undertakings. Viscount Hardinge's annuity from East	Rep., Stat. Law Rev. Act, 1875.	
c. 22	India company. Importation	Rep., Stat. Law Rev. Act, 1861.	
20	Customs	Rep., 16 & 17 Vict. c. 107. s. 358.	
c. 23 c. 24	Removal of defects in administration of criminal justice.	rep., 10 & 17 vict. c. 107. s. 506.	116
c. 25	Malicious injuries by fire, &c	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 26.	Transportation -	Rep., Stat. Law Rev. Act, 1875. Rep., with savings, 13 & 14 Vict.	116
c. 27.	Friendly societies	c. 115. s. 1. Rep., 18 & 19 Vict. c. 63. s. 1.,	
20	l	but see 17 & 18 Vict. c. 56. s. 2.	
c. 28	Railway companies dissolution -	Rep., 25 & 26 Vict. c. 89. s. 205.	
c. 29.	Sugar duties	Rep., 9 & 10 Vict. c. 63. s. 1.	
c. 30.	Parliamentary elections	Rep., 25 & 26 Vict. c. 92. s. 2.	
c. 31	Annuity to Lord Hardinge, &c \	Local and personal	
c. 32.	Annuity to Lord Gough, &c 5	Local and personal.	
c. 33	Amendment of laws relating to corresponding societies, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	117
c. 34	Construction of new street from Spital-fields to Shoreditch.	Local and personal.	
c. 35.	Western Australia government - \	Don Stat Jam D A. 1075	
c. 36.	Coalwhippers, port of London }	Rep., Stat. Law Rev. Act, 1875.	
c. 37	Amendment of laws relating to the office of coroner and expenses of inquests in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	117
c. 38	Formation of Battersea Park {	Rep. in part, 14 & 15 Vict. c. 77. s. l.	
с. 39.	Į į	Residue local and personal. Rep. in part, 21 & 22 Vict. c. 66.	
C. 33. •	Construction of Battersea Bridge and Embankment, &c.	s. 1. Residue local and personal.	
c. 40.	Exemption of certain ropeworks from the Factory Acts.	Rep. in part, Stat. Law Rev. Act, 1875.	118
c. 41	Sugar duties	Rep., 9 & 10 Vict. c. 63. s. 1.	
c. 42	Loan to New Zealand company - 1		
c. 43	Militia ballots suspension	Rep., Stat. Law Rev. Act, 1875.	
c. 44	Writs for election of members for Cheshire and Chester.	Rep. in part, Stat. Law Rev. Act, 1875.	118
c. 45.	Newfoundland constitution)		
c. 46	Ordnance survey}	Rep., Stat. Law Rev. Act, 1875.	
c. 47	Supply		
c. 48	Legalization of art unions	Rep. in part, Stat. Law Rev. Act,	118
		1875.	110

CHRONOLOGICAL TABLE-continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
& 10 Vict. (cont.)			
c. 49.	Highway rates		
c. 50	Poor rates	1	
c. 51.	Turnpike Acts, Great Britain, con-	!	
0.01.	tinuance		
c. 52	Loan societies -	Rep., Stat. Law Rev. Act, 1875.	
c. 53	Copyhold commission		
c. 54	Practitioners in Court of Common Pleas		
c. 55.	Militia pay		
c. 56.	Forms of proceedings under Acts relating	Rep. in part, Stat. Law Rev. Act,	1190
0. 00.	to assessed taxes and income tax.	1875.	
c. 57	Regulation of gauge of railways -	Rep. in part, Stat. Law Rev. Act, 1875.	1252
c. 58	Customs	Rep., Stat. Law Rev. Act, 1861.	
e. 59. -	Relief of her Majesty's subjects from penalties and disabilities in regard to religious opinions.	Rep. in part, Stat. Law Rev. Act, 1875.	1254
c. 60	Exemption from stamp duty of bonds, &c. of high constables and collectors	Rep. in part, Stat. Law Rev. Act, 1875.	1256
c. 61	of grand jury cess, &c. in Ireland. Prisons in Ireland	Rep. in part, Stat. Law Rev. Act, 1875.	1257
c. 62	Abolition of deodands	Rep., Stat. Law Rev. Act, 1875.	
c. 63	Sugar duties	Rep., Stat. Law Rev. Act, 1861.	
c. 64.	Relief against adverse claims by inter- pleader in common law actions in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1258
e. 65	Appointment of stipendiary magistrate at Wolverhampton.	Local and personal.	
c. 66	Amendment of laws as to removal of the poor.	Rep. in part— 11 & 12 Vict. c. 111. s. 1. Stat. Law Rev. Act, 1875.	1260
c. 67	Citations and services and execution of diligence in Scotland.	Rep. in part, Stat. Law Rev. Act, 1875.	1261
e. 68	Use of one chapel by places for which contiguous burial grounds have been provided.		1262
c. 69. •	Naval medical supplemental fund society.	Rep., Stat. Law Rev. Act, 1875.	
e. 70	Amendment of Act to facilitate the inclosure and improvement of commons.	Rep. in part, Stat. Law Rev. Act, 1875.	1264
o. 71. -	Presentments for county works, Ireland	Rep., Stat. Law Rev. Act, 1875.	
c. 72	Amendment of Act for marriages in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1269
a. 73. -	Amendment of Acts for commutation of tithes in England.	Rep. in part, Stat. Law Rev. Act, 1875.	1271
c. 74. • -	Establishment of public baths and wash- houses.	Rep. in part, Stat. Law Rev. Act, 1875.	1280
c. 75	Joint stock banks, Scotland and Ireland	Rep., 25 & 26 Vict. c. 89. s. 205.	
c. 76	Abolition of exclusive privileges of trading in cities, &c. in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1289
c. 77	Amendment of Acts relating to offices in House of Commons.	Rep. in part, Stat. Law Rev. Act, 1875.	1290
c. 78	County works advances, Ireland		
c. 79	Lunatic asylums, Ireland }	Rep., Stat. Law Rev. Act, 1875.	
c. 80	Public works loans J	B 46 0 00 200 1	
c. 81 '	Income tax	Rep., 35 & 36 Vict. c. 44. s. 26.	
c. 82 ; c. 83	Loan to New Zealand company	Rep., Stat. Law Rev. Act, 1875.	
C 83	Public works loans	. ,	
c. 84, -	Lunatic asylums, &c	Rep., 16 & 17 Vict. c. 97. s. 1.	

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page
& 10 Vict. (cont).			
c. 86.	Extension and consolidation of powers of Commissioners of Public Works in	Rep. in part, Stat. Law Rev. Act, 1875.	1292
c. 87	Ireland. Establishment of public baths and washhouses in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1298
c. 88	Legality of certain assignments of ecclesiastical patronage.	Rep. in part, Stat. Law Rev. Act, 1875.	1304
c. 89 c. 90	Turnpike roads, Ireland Prevention of use of stills by unlicensed	Rep., Stat. Law Rev. Act, 1875.	1304
c. 91	crown appointments, colonies -	Rep., 26 & 27 Vict. c. 76.	
с. 92.	Naval and military accounts	8. 4. Rep., 29 & 30 Vict. c. 39.	
c. 93.	Compensation to families of persons killed by accidents.	s. 46. Rep. in part, Stat. Law Rev. Act, 1875.	130
c. 94	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 95	Recovery of small debts and demands in England. (County Courts Act, 1846.)	Rep. in part— 12 & 13 Vict. c. 101. ss. 7, 11. 13 & 14 Vict. c. 61. s. 4. 19 & 20 Vict. c. 108. s. 2. 21 & 22 Vict. c. 74. s. 1. 22 Vict. c. 8.	130
. 00	National and the second	30 & 31 Vict. c. 142. s. 33. 32 & 33 Vict. c. 83. s. 20. 33 & 34 Vict. c. 15. s. 5. 38 & 39 Vict. c. 50. s. 12. Stat. Law Rev. Act, 1875.	
c. 96 c. 97	Nuisances removal, &c Constabulary force in Ireland	Rep., Stat. Law Rev. Act, 1875. Rep. in part, Stat. Law Rev. Act, 1875.	133
c. 98	Pawnbrokers	Rep., 35 & 36 Vict. c. 93. s. 4.	
c. 99	Wreck and salvage	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 100.	Steam navigation	Rep., 14 & 15 Vict. c. 79. s. 1. Rep. as to Ireland, 10 & 11 Vict. c. 32. s. 1.	134
с. 101.	Advance of public money for improve- ment of land by drainage.	Rep. in part— 19 & 20 Vict. c. 9. ss. 1, 6. Stat. Law Rev. Act, 1875.	
c. 102.	Customs	Rep., 16 & 17 Vict. c. 107. s. 358.	
c. 103.	Government of New Zealand	Rep. in part, Stat. Law Rev. Act, 1875.	135
c. 104	Waste lands, Australia	Rep., 18 & 19 Vict. c. 56. ss. 1, 2.	
c. 105	Railway commissioners	Rep., 14 & 15 Vict. c. 64. s. 1:	
c. 106	Local Acts, preliminary inquiries	Rep., 11 & 12 Vict. c. 129. s. 1.	
c. 107	Poor employment, Ireland	Rep., Stat. Law Rev. Act, 1875.	
c. 108 c. 109	Loans for public works, Ireland - Public works advances, Ireland -	Rep., 10 & 11 Vict. c. 106. s. 4.	
c. 110	Rateable property, Ireland	Rep., 15 & 16 Vict. c. 63. s. 3.	
c. 111.	Amendment of law in Ireland as to ejectments and distresses and occu- pation of lands.	Rep. in part— 23 & 24 Vict. c. 154. s. 104. Stat. Law Rev. Act, 1875.	135
c. 112.	Facilitation of granting of certain leases in Ireland.	Rep. in part— 13 & 14 Vict. c. 97. s. 4. Stat. Law Rev. Act, 1875. Virt. rep. in part, 33 & 34 Vict. c. 97. s. 3. & sch.	136

xxi
CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
9 & 10 Vict. (cont.) c. 113.	Improvement of proceedings in prohibition and on writs of mandamus in	Rep. in part, Stat. Law Rev. Act, 1875.	1369
c. 114 c. 115	Ireland. Fisheries, Ireland Lunatic asylums, Ireland	Rep., Stat. Law Rev. Act, 1875.	
c. 116 c. 117	Appropriation Inclosures pursuant to report of Inclosure Commissioners.	Local and personal.	

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THE STATUTES (REVISED).

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THE STATUTES-REVISED EDITION.

6 & 7 VICTORIA. A.D. 1843.

STATUTES MADE AT THE PARLIAMENT BEGUN AND HOLDEN AT WESTMINSTER THE NINETEENTH DAY OF AUGUST, A.D. 1841,

IN THE FIFTH YEAR OF THE REIGN OF QUEEN VICTORIA, AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE SECOND DAY OF FEBRUARY, A.D. 1843,

BEING THE THIRD SESSION OF THE FOURTEENTH PARLIAMENT OF THE United Kingdom of Great Britain and Ireland.

CHAPTER VII.

AN ACT to amend the Law affecting transported Convicts with respect to Pardons and Tickets of Leave. [3d April 1843.]

THEREAS by an Act passed in the third year of the reign of his late Majesty, intituled "An Act for abolishing the punishment of death 2 & 3 Will. 4. " in certain cases, and substituting a lesser punishment in lieu thereof," it is c. 62. s. 2. among other things enacted, that neither the governor nor lieutenant governor of any island, colony, or settlement, or any other person, shall give any pardon or ticket of leave to any person sentenced to transportation, or who shall receive a pardon on condition of transportation, or any order or permission to suspend or remit the labour of any such person, except in cases of illness, until such person, if transported for seven years shall have served four, if transported for fourteen years shall have served six, or if transported for life shall have served eight years of labour; and that no such person shall be capable of acquiring or holding any property, or of bringing any action for the recovery of any property, until after such person shall have duly obtained a pardon from the governor or lieutenant governor of the colony or settlement in which he or she shall have been confined; provided that nothing therein contained shall in any manner affect his Majesty's royal prerogative of mercy And whereas it is expedient that the law with respect to pardons and tickets of leave should be amended: Be it therefore enacted by the Queen's most excellent Repeal of so Majesty, by and with the advice and consent of the lords spiritual and temporal, and much of the commons, in this present Parliament assembled, and by the authority of the same, that as respects so much of the above-recited Act as is herein-before recited shall be repealed. Rep., pardons and Stat. Law. Rev. Act. 1874 (No. 2).

II. And be it enacted, that after the time when this Act shall take effect in any place to which felons and offenders have been or may be transported by law, granting neither the governor nor lieutenant governor of such place shall be empowered pardons to

tickets of leave. Manner of transported felons.

as heretofore to remit, either absolutely or conditionally, the whole or any part of the time for which any such felons or other offenders shall have been or shall be hereafter transported to such place, but instead thereof the governor or lieutenant governor shall from time to time, by an instrument in writing under his hand, recommend such felons or other offenders as he shall think fit to be recommended to her Majesty for an absolute or conditional pardon; and in case her Majesty shall, through one of her principal secretaries of state, signify her approval of any such recommendation, it shall be lawful for the governor or lieutenant governor to grant such absolute or conditional pardon, pursuant to such instructions as shall be sent to him by the secretary of state, by an instrument in writing under the seal of his government, which shall be deemed from the day of the date thereof to have, within such place or places as shall be specified in such pardon, but not elsewhere, the same effect in the law to all intents and purposes as if a general, absolute, or conditional pardon had passed on that day under the great seal of the United Kingdom.

III. AND whereas the practice hath prevailed in those places to which felons and offenders have been transported by law of granting, in certain cases and on certain conditions, permission to such felons and offenders to employ themselves for their own benefit (which permissions are usually called and known by the name of tickets of leave), and it is just that they should be protected in their persons and in the possession of such property as they may acquire by their industry while holding such tickets of leave: Be it enacted, that it shall be

lawful for every felon under sentence or order of transportation who shall hold

any such ticket of leave, notwithstanding his or her conviction of felony, to

acquire and hold personal property, and to maintain any action or suit for the recovery of any personal property so acquired by him or her, and for any damage or injury sustained by him or her, in the courts of the colony or place where such felon shall lawfully reside; and if the defendant in any such action or suit shall plead or allege in his or her defence the plaintiff's or complainant's conviction of felony, and the plaintiff or complainant shall allege and prove that he or she hath received and doth still continue to hold unrevoked such a ticket of leave as aforesaid, a verdict shall pass and judgment shall be given for the plaintiff or complainant: Provided always, that whenever such ticket of leave shall be

revoked all property so acquired by any such felon shall vest absolutely in her

Majesty, and shall be disposed of at the discretion of the governor or lieutenant

governor, subject to such instructions as shall be from time to time sent to

him by one of her Majesty's principal secretaries of state.

leave may sue

Holders of tickets of for personal property.

On revocation of ticket of leave such property shall vest in her Majesty.

Holders of tickets of

leave incapable of holding real property, until pardoned.

IV. PROVIDED always, and be it declared and enacted, that no felon under sentence of transportation who shall hold a ticket of leave shall be capable of acquiring or holding any estate in lands or tenements other than as tenant for years, or for some less term or estate, determinable in each case upon the revocation of the ticket of leave, until after such felon shall have duly obtained an absolute or conditional pardon from the governor or lieutenant governor of the place to which he shall have been so transported, pursuant to the provisions herein-before contained.

Commencement of Aet.

V. And be it enacted, that this Act shall be proclaimed by the governor or lieutenant governor of every place to which felons and offenders have been or now may be transported by law within six weeks after a copy of it shall have been received by him, and shall take effect in every such place from the day of the proclamation thereof; and in case her Majesty shall be pleased, with the advice of her privy council, to appoint any new place or places beyond the seas to which felons and other offenders under sentence or order of transportation may be conveyed, this Act shall take effect in every such place from the time of such appointment.

CHAPTER VIII.

AN ACT to empower Justices of the Peace in Ireland to act in certain Cases relating to Rates to which they are chargeable. [3d April 1843.]

HEREAS doubts have arisen whether justices of the peace in Ireland may lawfully act in cases relating to cesses, rates, and taxes to which such justices respectively are rated or chargeable: Be it therefore enacted by Justices of the the Queen's most excellent Majesty, by and with the advice and consent of the peace in lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and relating to for all and every justice or justices of the peace for any county, county of a city or county of a town, or borough or town corporate, in Ireland, within their respective jurisdictions, to do and perform all acts appertaining to their c. 82. &c. office as justice or justices of the peace under or in execution of the laws for attnough Habi the presentment of public money by grand juries in Ireland, or the laws for the more effectual relief of the destitute poor in Ireland, or for the apprehension and punishment of vagrants, or under an Act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled "An Act to " make provision for lighting, cleansing, and watching of cities, towns cor-" porate, and market towns in Ireland, in certain cases," or under or in execution of any other laws concerning local cesses, rates, or taxes, notwithstanding any such justice or justices is or are rated to or chargeable with the cesses, rates, or taxes affected by such act or acts of such justice or justices as aforesaid.

reland may act in cases grand jury cess, poor rates, and rates under 9 Geo. 4. although liable

CHAPTER XII.

AN ACT for the more convenient holding of Coroners Inquests.

[11th April 1843.]

WHEREAS it often happens that it is unknown where persons lying dead have come by their deaths, and also that such persons may die in other Places than those in which the cause of death happened: Be it enacted Coroner only by the Queen's most excellent Majesty, by and with the advice and consent jurisdiction of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the coroner only within whose Jurisdiction the body of any person upon whose death an inquest ought to be holden shall be lying dead shall hold the inquest, notwithstanding that the cause of death did not arise within the jurisdiction of such coroner; and in the case of any body found dead in the sea, or any creek, river, or navigable canal within the flowing of the sea, where there shall be no deputy coroner for the jurisdiction of the Admiralty of England, the inquest shall be holden only by the coroner having jurisdiction in the place where the body shall be first brought to land.

the body of shall hold the Provision for detached parts of counties.

Parties may be tried on verdicts of murder or manslaughter, or as accessaries before the fact. II. And be it enacted, that for the purpose of holding coroners inquests every detached part of a county, riding, or division shall be deemed to be within that county, riding, or division by which it is wholly surrounded, or, where it is partly surrounded by two or more counties, ridings, or divisions, within that one with which it has the longest common boundary.

III. And be it declared and enacted, that if a verdict of murder or manslaughter, or as accessary before the fact to any murder, shall be found by the jury at any such inquest, against any person or persons, the coroner holding the said inquest, and the justices of over and terminer and gaol delivery for the county, city, district, or place in which such inquest shall be holden, and all other persons, shall have the same powers respectively for the commitment, trial, and execution of the sentence of the person or persons so charged as they now by law possess with regard to the commitment, trial, and execution of the sentence upon any person or persons committed and tried within the jurisdiction where the death happened.

CHAPTER XIII.

An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands. [11th April 1843.]

THEREAS divers of her Majesty's subjects have resorted to and taken up their abode and may hereafter resort to and take up their abode at divers places on or adjacent to the coast of the continent of Africa and on the Falkland Islands: And whereas it is necessary that her Majesty should be enabled to make further and better provision for the civil government of the said settlements: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for her Majesty, by any order or orders to be by her made, with the advice of her privy council, to establish all such laws, institutions, and ordinances, and to constitute such courts and officers, and to make such provisions and regulations for the proceedings in such courts, and for the administration of justice, as may be necessary for the peace, order, and good government of her Majesty's subjects and others within the said present or future settlements respectively, or any of them; any law, statute, or usage to the contrary in anywise notwithstanding.

The Queen in council may make laws, constitute courts, &c. for government of her subjects settling on the coast of Africa and the Falkland islands,

The Queen may delegate her powers and authorities to resident officers. II. And be it enacted, that it shall be lawful for her Majesty, by any commission or commissions under the great seal of the United Kingdom, or by any instructions under her Majesty's signet and sign manual, accompanying and referred to in any such commission or commissions, to delegate to any three or more persons within any of the settlements aforesaid respectively the powers and authorities so vested in her Majesty in council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisoes, and limitations as by any such commission or commissions or instructions as aforesaid her Majesty shall see fit to prescribe: Provided always, that notwithstanding any such delegation of authority as aforesaid it shall still be competent to her Majesty in council, in manner aforesaid, to exercise all the powers and authorities so vested as aforesaid in her Majesty in council: Provided also, that

Orders in council, &c.

all such orders in council, commissions, and instructions as aforesaid, and all to be laid laws and ordinances so to be made as aforesaid, shall be laid before both Houses Parliament. of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

CHAPTER XVIII.

An Acr to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales. [31st May 1843.]

HEREAS an Act was passed in the second year of the reign of his late Majesty, intituled "An Act to amend the representation of the people 2 & 3 Will. 1. " in England and Wales": And whereas it is expedient to explain and amend some parts of the said Act, and to make further and other provisions relating to the registration of persons entitled to vote in the election of members to serve in Parliament for England and Wales: And whereas it is recited in the said Act, that "it was expedient to form a register of all persons entitled to " vote in the election of a knight or knights of the shire to serve in any future " Parliament", and divers clauses and provisions were in and by the said Act enacted, for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for any county, or for the riding, parts, or division of any county, and also for the purpose of forming a register of persons entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough, and for the defraying of the expences to be incurred thereby, and for the appointment and payment of revising barristers: Be it Provisions of therefore enacted by the Queen's most excellent Majesty, by and with the advice and recited Act therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament tration, &c. assembled, and by the authority of the same, that the said clauses and provisions of repealed.

Act so enacted for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament for any county, or for the riding, parts, or division of any county, and for the purpose of forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough in England and Wales, and for the defraying of the expenses to be incurred thereby, and for the appointment and payment of revisions the purpose of the serve and the serve are bereity revealed are not as to any of revising barristers, shall be and the same are hereby repealed, except as to any register heretofore made. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

II. AND be it enacted, that this Act shall be This Act to be taken to be part of the said Act as fully as if it were incorporated therewith.

III. And whereas, for the purpose of forming a register of all persons entitled. to vote in the election of a knight or knights of the shire to serve in Parliament, it is expedient that lists should annually be made out in manner hereinafter mentioned: Be it therefore enacted, that the clerk of the peace for Clerk of the every county shall cause a sufficient number of forms of precepts, notices, have forms of and lists to be printed, according to the respective forms numbered (1. 2. 3. 6.) precepts, &c. in the schedule (A.) [4] and of the table numbered (1.) in the schedule (D.) to and shall this Act annexed, and shall also, on or before the tenth day of June in every annually issue

taken as part of recited Act.

I The form numbered (1.) in schedule (A.) is rep., Stat. Law Rev. Act, 1874 (No. 2); another form is substituted by 28 & 29 Vict. c. 36. s. 2.]

Counties.

his precepts, with forms of notices, &c. to overseers.

Overseers to give notice annually, requiring voters to send in their claims. year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept, according to the form numbered (1.) [a] in the said schedule (A.), together with a sufficient number of the said printed forms of notices and lists, and of the copies of such part of the register of voters then in force for such county as shall relate to such parish or township respectively, and of the said table, for the purposes herein-after mentioned.

IV. And be it enacted, that the overseers of the poor of every parish and township shall, on or before the twentieth day of June in every year, publish a notice, according to the form numbered (2.) in the said schedule (A.), having first signed the same, requiring all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament in respect of any property situate wholly or in part within such parish or township who shall not be upon the register of voters then in force, and also all persons so entitled as aforesaid who being upon such register shall not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register about to be made, to give or send to the said overseers, on or before the twentieth day of July then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid; and every such person, and any person who being upon such register may be desirous to make a new claim, shall, on or before the said twentieth day of July, deliver or send to the said overseers a notice signed by him of his claim, according to the form of notice set forth in that behalf in the said form numbered (2.), or to the like effect.

Overseers to prepare lists of claimants.

Overseers empowered to object to any name;

to add the word "dead" against any name. Overseers to publish copies of lists of claimants, and of the part of the register of voters relating to their own parish; and to keep copies of same

V. AND be it enacted, that the overseers of the poor of every parish and township respectively shall on or before the last day of July in every year make out, according to the form numbered (3.) in the said schedule (A.), an alphabetical list of all persons who on or before the twentieth day of July then next preceding shall have claimed as aforesaid; and in every such list the christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof, shall be written as the same are stated in the claim; and the said overseers, if they shall have reasonable cause to believe that any person whose name shall appear in such list of claimants, or in the copy of the register relating to their parish or township, and received by them from the clerk of the peace, is not entitled to have his name upon the register then next to be made, shall add the word "objected" before the name of every such person on the margin of such list of claimants or the said copy of register; and the said overseers shall also add the word "dead" before the name of any person in the said copy of the register whom they shall have reasonable cause to believe to be dead; and the overseers shall cause a sufficient number of copies of such list of claimants, and of the said copy of the register, with all such marginal additions as aforesaid, to be written or printed, and shall on or before the first day of August sign and publish the same; and the said overseers shall likewise keep a copy of such list of claimants, and of the said copy of the register, with the marginal additions respectively as aforesaid, signed by them, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the same shall have been published, and for inspection shall deliver written or printed copies thereof, signed by them, to all persons applying for the same, on payment of a price for each copy, after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Counties.

VI. AND be it enacted, that the list of claimants (if any) so to be made out The list of by the overseers of every parish or township, together with the said copy of any parish, the register, with the marginal additions respectively as aforesaid, for the time being relating to the same parish or township, shall be deemed to be the list of voters of such parish or township for the county within which such parish or township may be situate, for the purposes herein-after mentioned.

of the register relating to that parish, to be deemed the list of voters of such parish. the register may object to not entitled to be upon it. Notice of objection to be given to the overseers: and also to the party objected to.

VII. And be it enacted, that in every year every person who shall be upon the register for the time being for any county may object to any other person Any person on upon any list of voters for such county, as not having been entitled, on the last day of July then next preceding, to have his name inserted in any list of any other voters for such county; and every person so objecting (save and except overing the list as seers objecting in the manner herein-before mentioned) shall, on or before the twenty-fifth day of August in such year, give or cause to be given to the overseers of the poor of the parish or township to which the list of voters containing the name of the person so objected to may relate a notice, according to the form numbered (4.) in the said schedule (A.), or to the like effect; and the person so objecting shall also, on or before the said twenty-fifth day of August, give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode, as described in such list, a notice, according to the form numbered (5.) in the said schedule (A.), or to the like effect; and every such notice of objection shall be signed by the party so objecting as aforesaid; and wherever the place of abode of the person objected to, as described in the and to the said list, shall not be in the parish or township to which such list may relate, and the name of the occupying tenant of the whole or any part of the qualifying property, together with his place of abode, shall appear in such list, the person so objecting shall also, on or before the same day, give to or leave, or not resident in cause to be given or left, at the place of abode of any such occupying tenant, a duplicate notice, signed as aforesaid.

qualifying property, if the person objected to is

VIII. AND be it enacted, that the said overseers shall in every year include List of persons the names of all persons against whom notice of objection shall have been objected to to be published. given to them as aforesaid in that year in a list, according to the form numbered (6.) in the said schedule (A.), and shall publish such list on or before the het day of September in such year, and shall also keep a copy of such list, to Oversecrs to be perused by any person, without payment of any fee, at any time between keep copies for inspection the hours of ten of the clock in the forenoon and four of the clock in the after- and sale. 100n of any day, except Sunday, during the first fourteen days of the said of September, and shall deliver a copy of such list to any person requiring the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

AND be it enacted, that on or before the twenty-ninth day of August Lists, &c. to in every year the overseers of every parish or township shall deliver to the to the clerk clerk of the peace of the county wherein the said parish or township is situate of the peace. the said copy of the register, and the said list of claimants, with the marginal additions respectively as aforesaid, and also a copy of the list of persons

objected to, respectively signed as aforesaid, and relating to their parish or township.

Citics and Boroughs.

Town clerk in every borough to have forms of precepts, &c. printed; and to issue his precept, with forms of notices, &c. to the overseers.

Overseers to give public notice as to the payment of rates and taxes by occupiers of premises of the yearly value of 101.

Overseers to have power of inspecting tax assessments, &c.

Assessors or collectors of taxes to deliver to overseers in July a list of persons in arrear of taxes payable at April last past.

Overseers to keep list for inspection.

Overseers to prepare and publish lists of persons X. And for the purpose of preparing like lists, and forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough, be it enacted, that the town clerk of every such city or borough shall cause a sufficient number of forms of precepts, notices, and lists to be printed according to the forms numbered (1. 2. 3. 4. 8. 12.) in the schedule (B.) and of the table numbered (1.) in the schedule (D.) to this Act annexed, and shall, on or before the tenth day of June in every year, make and cause to be delivered to the overseers of the poor of every parish or township situate wholly or in part within such city or borough, or within any place sharing in the election for such city or borough, his precept according to the form numbered (1.) in the said schedule (B.), and also a sufficient number of the said printed forms of notices and lists, and of the said table.

XI. AND be it enacted, that the overseers of every such parish or township shall, on or before the twentieth day of June in every year, publish a notice in writing according to form numbered (2.) in the said schedule (B.), stating that no person will be entitled to have his name inserted in any list of voters for the city or borough then next to be made in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, unless he shall pay, on or before the twentieth day of July then next ensuing, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises during the twelve calendar months next before the sixth day of April then last past.

XII. And be it enacted, that the overseers of every parish or township, for their assistance in making out the list of voters as herein-after mentioned, (upon request made by them, or any of them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the month of July in every year, to any assessor or collector of taxes, or to any other officer having the custody of any tax assessment or duplicate for such parish or township,) shall have free liberty to inspect any such tax assessment or duplicate, and to extract such particulars as may appear to such overseer or overseers to be necessary; and every such assessor or collector of taxes shall, within two days after the twentieth day of July in every year, make out and deliver to the said overseers a list containing the name and place of abode of every person who shall not have paid on or before the said twentieth day of July the assessed taxes which shall have become payable from him in respect of any premises within the said parish or township during the twelve calendar months next before the sixth day of April then last past; and the overseers shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the list of voters shall have been published, as herein-after mentioned.

XIII. And be it enacted, that the overseers of every such parish or township shall, on or before the last day of July in every year, make out or cause to be made out, according to the form numbered (3.) in the schedule (B.) to

this Act annexed, an alphabetical list of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for such city or borough, in respect of the occupation of premises of the clear yearly entitled to value of not less than ten pounds, situate wholly or in part within such parish or township, and another alphabetical list, according to the form numbered (4.) in the said schedule (B.), of all other persons (except freemen) who may be entitled to vote in the election of such city or borough by virtue of any other freemen) right whatsoever; and in each of the said lists the christian name and surname of every such person shall be written at full length, together with the place of his abode and the nature of his qualification, and where any person shall be entitled to vote in respect of any property, then the name of the street, lane, and the number of the house (if any) or other description of the place where such property may be situate, shall be specified in the list; and the said overseers shall sign such lists, and shall forthwith cause a sufficient number of copies of each of the said lists to be written or printed, and shall publish copies of the said lists on or before the first day of August in such year, and shall Copies of lists likewise keep a copy of each of the said lists, to be perused by any person, inspection and without payment of any fee, at any time between the hours of ten of the sale. clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been so published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Cities and Boroughs.

vote as 10*l*. occupiers, and of all other persons other than

XIV. AND be it enacted, that the town clerk of every city or borough Town clerks shall, on or before the last day of July . . . in each year, make out, according to the form numbered (5.) in the said schedule (B.), an alphabetical list of all the freemen of such city or borough who may be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough, together with the respective places of their abode, and shall sign such list, and cause copies thereof to be written or printed, and and keep shall publish the said list on or before the first day of August in such year, inspection and shall likewise keep a copy thereof, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

lists of

XV. And be it enacted, that every person whose name shall have been Persons omitted in any such list of voters for any city or borough so to be made out the borough as aforesaid, and who shall claim, as having been entitled on the last day of lists to give July then next preceding, to have his name inserted therein, and every person claims. desirous of being registered for a different qualification than that for which his name appears in the said list, shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice, according to the form numbered (6) in the said schedule (B.), or to the like effect, to the overseers of that parish or township in the list whereof he shall claim to have his name inserted; or if he shall claim as a freeman of any city or borough, or place sharing in the election therewith, then he shall in like manner give or cause

Cities and Boroughs.

Lists of claimants to be made.

Registered electors and claimants may inspect rate books for the purpose of any claim or objection. to be given to the town clerk of such city, borough, or place a notice, according to the form numbered (7.) in the said schedule (B.), or to the like effect; and the overseers and town clerks respectively shall include the names of all persons so claiming as aforesaid in lists, according to the forms numbered (8.) and (9.) respectively in the said schedule (B.)

XVI. And be it enacted, that it shall be lawful for any person whose name shall be on any list of voters for the time being for any city or borough, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, between the tenth day of August and the last day of August, to any overseer or other officer having the custody of any poor-rate book, to inspect such poor-rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person; and every such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection, and the making of such extracts, without payment of any fee.

Persons named in the list may object to others as not being entitled to be in the list.

Notice of objection to be given to the overseers, or to the town clerk;

and also to the person objected to.

Lists of persons objected to to be made.

Such lists, and the lists of claimants, to be published.

Copies of lists and notices of objection to be kept for inspection and sale. XVII. AND be it enacted, that every person whose name shall have been inserted in any list of voters for any city or borough may object to any other person as not having been entitled on the last day of July next preceding to have his name inserted in any list of voters for the same city or borough; and every person so objecting shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice, according to the form numbered (10.) in the said schedule (B.), or to the like effect, to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted in the list of freemen of any city or borough, except the city of London, then to the town clerk of such city or borough; and every person so objecting shall also give or cause to be left at the place of abode of the person objected to, as stated in the said list, a notice, according to the form numbered (11.) in the said schedule (B.); and every notice of objection shall be signed by the person objecting.

XVIII. And be it enacted, that the said overseers shall include the names of all persons so objected to in a list, according to the form numbered (12.) in the said schedule (B.); and every town clerk shall include the names of all persons so objected to as freemen in a list, according to the form numbered (13.) in the said schedule (B.); and the said overseers and town clerks respectively shall sign each of the said lists, and cause copies thereof to be written or printed, and shall publish the said list of persons objected to, and the said list of claimants as aforesaid, on or before the first day of September in the said year; and shall keep copies of the said lists, and shall allow the same, and also the notices of objection which they shall have received, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September in the said year, and shall deliver copies of each of such lists to any person requiring the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

XIX. And be it enacted, that the said overseers shall, on or before the twenty-ninth day of August in every year, deliver to the said town clerk a copy of the said list of voters, made out by them as aforesaid, and a copy of Overseers to the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid.

Cities and Boroughs.

of lists to the town clerk.

XX. AND be it enacted, that for providing a list of such of the freemen of Freemen and the city of London as are liverymen of the several companies entitled to vote the city of in the election of a member or members to serve in Parliament for the city of London. London, the secondaries of the said city shall, on or before the twentieth day of July in every year, issue precepts to the clerks of the said livery companies, requiring them to make out or cause to be made out, at the expence of the respective companies, an alphabetical list, according to the form numbered (1.) in the schedule (C.) to this Act annexed, of the freemen of London, being liverymen of the said respective companies, and entitled to vote in such election; and every such clerk shall sign such list, and transmit the same, with two printed copies thereof, to the secondaries, on or before the last day of July, who shall forthwith fix one such copy in the Guildhall and one in the Royal Exchange of the said city, there to remain fourteen days; and the clerks of the said livery companies shall cause a sufficient number of copies of such lists of freemen and liverymen of their respective companies to be printed, at the expence of the respective companies, and shall keep and allow the same to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during fourteen days next after such lists shall have been published, and shall deliver the same to any person applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed; and every person whose name shall have been omitted in any such list of freemen and liverymen, and who shall claim to have his name inserted therein, as having been entitled on the last day of July then next preceding to have his name inserted in such list, shall, on or before the twenty-fifth day of August in such year, give or cause to be given a notice according to the form numbered (2.) in the said schedule (C.), or to the like effect, to the secondaries and to the clerk of that company in the list whereof he shall claim to have his name inserted; and every person whose name shall have been inserted in any list of voters for the time being for the said city may object to any other person as not having been entitled on the last day of July then next preceding to have his name inserted in any such livery list; and every person so objecting shall, on or before the said twenty-fifth day of August, give to such other person, or leave at his place of abode, as described in such list, a notice, according to the form numbered (4.) in the said schedule (C.), or to the like effect, and shall also give to the secondaries, and to the clerk of that company in the list whereof the name of the person objected to has been inserted, notice according to the form numbered (5.) in the said schedule (C.), or to the like effect; and the secondaries shall include the names of all persons so claiming, and so objected to as aforesaid, in two several lists, according to the forms numbered (3.) and (6.) in the said schedule (C.), and shall cause such lastmentioned lists to be fixed in the Guildhall and Royal Exchange of the said city on or before the first day of September, and shall likewise keep copies

thereof, and allow the same to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the fourteen days following the first publication of the said list, and shall deliver copies thereof to any person applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Freeholders in Horsham and Malmesbury entitled to vote for New Shoreham and Cricklade, where to be registered. XXI. And be it enacted, that for all the purposes of forming a register of voters for the borough of New Shoreham and for the borough of Cricklade respectively, under the provisions of this Act, all persons having a right to vote for the borough of New Shoreham in respect of any freeholds which may be situate in the borough of Horsham, or for the borough of Cricklade in respect of any freeholds which may be situate in the borough of Malmesbury, shall be inserted in the same lists of voters respectively in which they are to be inserted by the directions in that behalf of the said recited Act.

Provision as to places having no overseers. XXII. AND be it enacted, that every precinct or place, whether extraparochial or otherwise, which shall have no overseers of the poor, shall, for the purpose of making any claim, and making out any list directed by this Act, be deemed to be within the parish or township adjoining thereto, and sharing in the right of election to which such claim or list may relate; and if such parish or place shall adjoin two or more parishes or townships situated as aforesaid, it shall be deemed to be within the least populous of such parishes or townships, according to the last census for the time being.

What shall be publication of notice.

XXIII. And be it enacted, that every notice, list, register, or other document herein required to be published shall be so published, except where some other mode or place of publication is herein expressly provided, by being fixed in some public and conspicuous situation on the outside of the outer door or outer wall near the door of the buildings herein-after named for that purpose; (that is to say,) in the case of publication by overseers, every church and public chapel in their parish or township, including places of public worship which do not belong to the Established Church, and in the case of publication by a town clerk, the town hall, or in either case, if there be no such building as is herein-before named for that purpose, then in some public and conspicuous situation within the parish or township, city, borough, or place respectively.

Time for which publication shall be.

XXIV. And be it enacted, that in all cases in which any notice, list, register, or other document shall, pursuant to the provisions aforesaid, be affixed on or near the door of any church, chapel, town hall, or other place, the same shall continue so fixed for a period including two consecutive Sundays at the least next after the day on or before which the same is herein-before required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the expiration of such period the party herein-before required to publish the same as aforesaid shall, as soon as conveniently may be, publish in like manner in its place another notice, list, register, or other document, to the like purport and effect with the notice, list, register, paper, or document so destroyed, mutilated, effaced, or removed.

Fresh notices, &c. to be put up in place of any destroyed, &c.

XXV. AND be it enacted, that every person who shall wilfully destroy, mutilate, efface, or remove any notice, list, register, or other document so affixed as aforesaid, during the period during which the same is herein-before

Penalty for destroying, &c. notices, &c. required to remain so affixed, shall for every such offence forfeit any sum not exceeding forty shillings nor less than ten shillings to any person who will sue for the same, to be recovered in a summary manner before any two justices of the peace.

Counties, Cities, and Boroughs.

XXVI. AND be it enacted, that no list shall be invalidated by reason that List not init shall not have been affixed in every place and for the full time hereinimperfect before required for publication thereof, but that the barrister shall proceed to publication. revise and adjudicate upon every such list which shall have been affixed in any place and for any part of the time herein-before mentioned in that behalf; but nothing herein contained shall be construed to exempt the overseer, town clerk, or other person charged with the duty of publishing such list as aforesaid from the penalties of his neglect or wilful default.

XXVII. AND be it enacted, that in case no list of voters shall have been If no list made out for any parish, township, or place in any year, or in case such list made out or shall not have been affixed in any place herein-before mentioned in that former list to behalf, the register of voters for that parish, township, or place then in force be in force. shall be taken to be the list of voters for that parish, township, or place for the year then next ensuing, and the provisions herein contained respecting any such list of voters shall be taken to apply to such register as aforesaid.

XXVIII. AND be it enacted, that the lord chief justice of the Court of Lord chief Queen's Bench shall, in the month of July or August in every year, appoint so justice and many barristers as he shall deem necessary to revise the lists of voters for that assize to year for the county of Middlesex, and for the city of London, the city of appoint bar-Westminster, and the several boroughs in the county of Middlesex; and that revising lists. the senior judge for the time being in the commissions of assize for every other county shall, during the summer circuit in every year, appoint so many barristers as he shall deem necessary to revise the lists of voters for that year for every such county, or for the ridings, parts and divisions of every such county, and for the several cities and boroughs in every such county, and for every city and town, and county of a city and town, next adjoining to any such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town of Berwick-upon-Tweed and the town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said lord chief justice and judge respectively shall in every year have power-to appoint one or more barristers to revise the lists for that year for the same county, city, or borough, or other place as aforesaid, or ^{0η}e barrister only to revise the lists for several counties, cities, boroughs, and other places as aforesaid: Provided always, that, except as is herein-after Limitation of provided, no greater number of barristers shall be so appointed in any year number of barristers. follows; (that is to say,) for the county of Middlesex, and for the London, the city of Westminster, and the boroughs in the county of Middlesex, three; for the counties, cities, boroughs, and places within the Home circuit, ten; for the counties, cities, boroughs, and places within the Western fourteen; for the counties, cities, boroughs, and places within the Oxford circuit, twelve; for the counties, cities, boroughs, and places within the Midland circuit, eleven; for the counties, cities, boroughs, and places within

the Morfolk circuit, eight; for the counties, cities, boroughs, and places within

the Northern circuit, fifteen; for the counties, cities, boroughs, and places within the North Wales circuit, six; for the counties, cities, boroughs, and places within the South Wales circuit, six: Provided also, that no barrister shall be so appointed who shall be a member of Parliament, or who shall hold any office or place of profit under the crown, except the office of recorder of any city or borough; but no such barrister shall be so appointed for any city or borough of which he shall be the recorder; and that no barrister appointed as aforesaid shall for eighteen months from the time of his appointment be eligible to serve in Parliament for any county, riding, parts or division of a county, or for any city, borough, or other place as aforesaid for which he shall be so appointed.

Judges to appoint additional barristers in case of need. IXXIX. AND be it enacted, that, notwithstanding any thing herein-before contained, if it shall appear to the lord chief justice or judge who shall have appointed any barrister or barristers under this Act to revise any lists of voters that by reason of the death, illness, or absence of any such barrister or barristers, or from any other cause, such list cannot be revised within the period directed by this Act, it shall be lawful for such lord chief justice or judge, and he is hereby required, to appoint one or more barrister or barristers qualified as aforesaid to act in the place of or in addition to the barrister or barristers originally appointed for any county, city, or borough; and such barrister or barristers so subsequently appointed shall have the same powers and authorities in every respect as if they had been originally appointed by such lord chief justice or judge:

Two or more barristers appointed for same county, &c. may hold separate courts at the same or different times and places. Barrister to

at the same or different times and places. Barrister to notify his appointment to clerk of the peace and town clerks, who are to transmit to him abstracts and lists. XXX. And be it enacted, that where two or more barristers shall be appointed for the same county, riding, parts or division of a county, or for the same city or borough, they may hold separate courts at the same time and place for the despatch of business, or may hold separate courts at different times and places, as shall be deemed most expedient.

XXXI. And be it enacted, that every such revising barrister shall notify his appointment to the clerk of the peace of every county and to the town clerk of every city and borough of which he shall be appointed to revise the lists; and each clerk of the peace shall as soon as possible transmit an abstract of the number of persons objected to by the overseers and by other persons in each parish and township in and for the same county, and the town clerk of every city or borough shall as soon as possible transmit an abstract of the said several lists of claimants, and the lists of persons objected to, in each parish or township in and for the same city or borough, to the said barrister, in order that proper times and places for holding courts for the revision of such lists respectively may be appointed.

Rarristers to hold courts for revising lists of voters for counties within a certain period, and to XXXII. And be it enacted, that the barrister appointed to revise the lists of any county shall make a circuit and hold open courts for such revision at each of the places which now are or hereafter may be appointed as polling places for such county, and at any other places within the said county which he shall think expedient, at convenient times between the fifteenth day of

Is So much of section 29 as relates to the appointment of additional barristers in case of the insufficiency of the number of barristers originally appointed, rep., 37 & 38 Vict. c. 53. s. 5.

September inclusive and the last day of October inclusive in the then current year, and shall, ten days at the least before the holding of the first court of revision, give notice to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes the lists of and for which will be revised at each of the said courts; and the said clerk of the peace shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers circulating within the said county, and shall cause a sufficient number of copies of the said notice to be written or printed, and shall deliver or send a copy thereof to the overseers of every parish or township, and require them to publish the said copy of the said notice, the overseers. and to attend at the court therein appointed for the revision of the list of voters relating to their said parish or township, and the said overseers shall forthwith publish the said copy of the said notice accordingly.

XXXIII. AND be it enacted, that the barrister or barristers appointed to Barristers to revise the lists of voters for any city or borough shall hold an open court or courts for that purpose within such city or borough, and also within every lists of voters place sharing in the election for such city or borough, between the fifteenth day of September inclusive and the last day of October inclusive in the then current year, and such barrister or barristers shall, seven days at the least before holding any such court or courts, give notice to the town clerk of such city or borough of the time and place of holding the same; and if such barrister shall, in his discretion, deem it expedient to hold his courts at different times and places within the said city or borough, the said barrister shall in such case give notice to the said town clerk of such times and places so appointed, and of the parishes allotted to each court; and the town clerk shall forthwith publish a notice of the time and place of the holding of every such court as aforesaid on the town hall, and on every church and chapel within such city or borough, or, if there be no church or chapel or town hall therein, then in some public and conspicuous place therein.

XXXIV. AND be it enacted, that the clerk of the peace of every county, at In counties the opening of the first court to be so holden as aforesaid in and for the same county, shall deliver or cause to be delivered to the said barrister or barristers all the lists of voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to the said courts for their county, and also one or more printed copies of the register of voters then in districts and force for the said county; and the overseers of every parish and township shall attend the court to be holden for revising the lists relating to their parish of voters, or township, and shall deliver to the barrister or barristers holding such court the original notices of claim and notices of objection given to them as afore- claims and said; and the said clerk of the peace and overseers shall (if required) answer upon oath all such questions as such barrister or barristers may put to them, questions and and produce all documents, papers, and writings in their possession, custody, produce and ments, &c. or power touching any matter herein mentioned.

XXXV. And be it enacted, that the town clerk of every city or borough, and the several overseers for the time being of every parish or township town clerks, therein, and in the city of London the secondaries and the clerks of the several overseers, and livery companies of such city, shall attend the first court to be holden before and clerks of every such barrister for every such city or borough, unless they shall have companies, to attend the been respectively required by notice to attend at some other court, in which courts, to pro-

Counties, Cities, and Boroughs.

give notice of the times and places of holding such courts to clerk of the peace, who is to give notice thereof by advertisement, and to

revising the for boroughs, and give notice thereof to the town clerk, who is to publish the

clerks of the peace to attend the first court, and overseers to attend the respective parishes, and produce lists registers, notices of objections, and answer produce docu-

In boroughs secondaries

duce lists, notices, and rates, and answer questions, &c.

Power to barrister to require attendance of overseer of past year, and assessor and collector, &c. of taxes, who shall answer upon outh all questions put to them.

County
voters residing
out of the
polling district
to which the
parish wherein
their qualification is situate
belongs may be
registered to
vote in another
polling district,
on making a
claim before
the revising
barrister.

Barrister to have power to insert in the county lists the names of claimants omitted by the overseers, on proof of claim and qualification.

Power of barrister to insert names of claimants

case they shall attend the said court as required; and the said overseers, town clerks, and secondaries respectively shall, at the opening of the said court, deliver to the said barrister the several lists so made by them respectively as aforesaid, and also the original notices of claim and of objection received by them as aforesaid; and the said overseers shall also produce at the said court all rates made for the relief of the poor of their respective parishes or townships between the sixth day of April in the year then last past and the last day of July in the then present year; and the said town clerks, overseers. secondaries, and clerks respectively shall answer upon oath all such questions as any such barrister may put to them or any of them, and produce all documents, papers, and writings in their possession, custody, or power, touching any matter necessary for revising the list of voters; and every such barrister shall have power to require any assessor, collector of taxes, or other officer having the custody of any tax assessment or duplicate, or any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, and in the city of London the chamberlain or his deputy, to attend before him at any court to be holden by him in pursuance of this Act, and they shall attend accordingly, and answer upon oath all such questions as such barrister may put to them,

XXXVI. AND be it enacted, that any person whose name shall appear in the list of voters of any parish or township in and for any county, and whose place of abode, as stated in such list, shall not be within the polling district at which the said parish or township shall be allotted to poll, but within the same county, shall be at liberty to make his claim before the revising barrister to vote at the polling place of the district wherein his said place of abode may be situate; and any person whose name shall appear in any list as aforesaid. and whose place of abode, as stated in such list, shall not be within the same county, shall be at liberty in like manner to make his claim to vote at the polling place of any district within the same county; and every such person shall make his claim in writing under his hand, and such claim shall be delivered to and verified before the revising barrister holding his court for the revision of the list of voters in which the name of such person shall appear as aforesaid, and it shall then be lawful for the said barrister to insert in the said list, against the name of such person so claiming as aforesaid, the name of the polling place at which such person shall be registered to vote; and such person so registered shall be admitted to vote at every contested election for the said county at the said last-mentioned polling place, and not elsewhere, any thing in the said recited Act to the contrary notwithstanding.

XXXVII. And be it enacted, that if any person who shall have given to the overseers of any parish or township due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a knight or knights of the shire shall have been omitted by such overseers from such list, it shall be lawful for the revising barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the last day of July then next preceding to be inserted in the said list of voters.

XXXVIII. And be it enacted, that the revising barrister shall insert in any list of voters for any city or borough the name of every person omitted

who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been entitled on the last day of July then next preceding to have his name inserted therein in respect of the qualification described in such notice of claim.

XXXIX. And be it enacted, that it shall be lawful for any person whose name shall be on any list of voters for any county, city, or borough to oppose the claim of any person so omitted as aforesaid to have his name inserted in any list of voters for the same county, city, or borough; and such person intending to oppose any such claim shall, in the court to be holden as aforesaid for the revision of such list, and before the hearing of the said claim, give notice in writing to the revising barrister of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeal, and other matters relating to the hearing and determination of the said claim as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices as hereinafter mentioned.

XL. AND be it enacted, that the revising barrister shall correct any mistake Barrister shall

correct mistakes in list, and expunge the names of persons not qualified, or dead, or who or whose qualifications are insufficiently described. unless the insufficiency

which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead; and wherever the christian name, or the place of abode, or the nature of the qualification, or the local or other description of the property of any person who shall be included in any such list, and the name of the occupying tenant thereof, shall be wholly omitted in any case where the same is by this Act directed to be specified therein, or if any person whose name is included in any such list, or his is supplied. place of abode, or the nature or description of his qualification, shall, in the judgment of the revising barrister, be insufficiently described for the purpose of being identified, such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list: Provided always, that, whether any person shall be No change to objected to or not, no evidence shall be given of any other qualification than that which is described in the list of voters or claim, as the case may be, nor stated in the shall the barrister be at liberty to change the description of the qualification as it appears in the list, except for the purpose of more clearly and accurately defining the same; and where the name of any person inserted in any list of Mode of provoters shall have been objected to by the overseers, or by any other person, and such other person so objecting shall appear by himself, or by some one on objection. his behalf, in support of such objection, and shall prove that he gave the notice or notices respectively required by this Act to be given by him, every such barrister shall then require it to be proved that the person so objected to was entitled on the last day of July then next preceding to have his name

inserted in the list of voters in respect of the qualification described in such list; and in case the same shall not be proved to the satisfaction of such barrister, or in case it shall be proved that such person was then incapacitated

Counties. Cities, and Boroughs.

in lists of borough voters. Any person voters may object to claimants. notice to revising barrister.

qualification lists or claims.

Provision in certain cases of change of abode of county voters. by any law or statute from voting in the election of members to serve in Parliament, such barrister shall expunge the name of every such person from the said lists: Provided always, that where any person whose name appears on any list of voters for any county shall be objected to on the ground of having changed his place of abode without having sent in a fresh notice of claim, it shall be lawful for the barrister on revising the list to retain the name of such person on the list of voters, provided that such person, or some one in his behalf, shall prove that he possessed, on the last day of July, the same qualification in respect of which his name has been inserted in such list, and shall also supply his true place of abode, which the said barrister shall insert in such list.

XII. And he it exected that every revising berrister helding any court

Power of revising barristers to adjourn their courts, administer oaths, &c.

Persons swearing falsely guilty of perjury.

Barrister in open court to decide upon validity of claims and objections, and verify all alterations in lists by his signature.

Appeal from revising barrister's decision on points of law.

Revising barrister to prepare a statement of facts.

XLI. AND be it enacted, that every revising barrister holding any court under this Act shall have power to adjourn the same from time to time, and from any one place to any other place within the same county, or within the same city or borough, but so that no such adjourned court shall be holden after the last day of October in any year; and at every court to be holden as aforesaid by any revising barrister the said barrister shall have power to administer an oath to all persons examined before him, and all parties, whether claiming or objecting or objected to, and all persons whatsoever, may be examined upon oath touching the matters in question; and every person taking any oath or affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and at the holding of such respective courts no party or other person shall appear or be attended by counsel; and every such barrister shall upon the hearing in open court finally determine upon the validity of such claims and objections, and shall for that purpose have the same powers and proceed in the same manner (except where otherwise directed by this Act) as the returning officer of any county; city, or borough, according to the laws and usages observed at elections previous to the passing of the said recited Act; and such barrister shall in open court write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any mistake shall have been corrected or any omission supplied or any insertion made by him, and shall sign his name to every page of the several lists so settled.

XLII. AND be it enacted, that it shall be lawful for any person who, under the provisions herein-before contained, shall have made any claim to have his name inserted in any list, or made any objection to any other person as not entitled to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any such case shall be aggrieved by or dissatisfied with any decision of any revising barrister on any point of law material to the result of such case, either himself or by some person on his behalf to give to the revising barrister in court, before the rising of the said court, on the same day on which such decision shall have been pronounced, a notice in writing that he is desirous to appeal, and in such notice shall shortly state the decision against which he desires to appeal; and the said barrister thereupon, if he thinks it reasonable and proper that such appeal should be entertained, shall state in writing the facts which according to his judgment shall have been established by the evidence in the case, and which shall be material to the matter in question, and shall also state in writing his decision upon the whole case, and also his decision upon the point of law in question

appealed against; and such statement shall be made as nearly as conveniently may be in like manner as is now usual in stating any special case for the opinion of the Court of Queen's Bench upon any decision of any court of quarter sessions; and the said barrister shall read the said statement to the appellant in open court, and shall then and there sign the same; and the said Appellant to appellant, or some one on his behalf, shall at the end of the said statement make a declaration in writing under his hand to the following effect, that is writing. to say, "I appeal from this decision"; and the said barrister shall then indorse Revising upon every such statement the name of the county and polling district, or city and borough, and of the parish or township to which the same shall relate, and statement the also the christian name and surname and place of abode of the appellant and names of of the respondent in the matter of the said appeal, and shall sign and date such indorsement; and the said barrister shall deliver such statement, with and deliver such indorsement thereon, to the said appellant, to be by him transmitted to her Majesty's Court of Common Pleas at Westminster in the manner hereinafter mentioned; and the said barrister shall also deliver a copy of such statement, with the said indorsement thereon, to the respondent in such appeal Pleas, and a who shall require the same.

XLIII. And be it enacted, that in the matter of every such appeal the required. party in whose favour the decision appealed against shall have been given respondent shall be the respondent; but if there be no such party, or if such party, or on appeal. some one on his behalf, shall in open court decline, and state in writing that he declines, to support the decision appealed against as respondent, then and in every such case it shall be lawful for the said revising barrister to name any person who may be interested in the matter of the said appeal, and who may consent, or the overseers of any parish or township, or the town clerk of any city or borough, to be, and such person so consenting, or such overseers or town clerk respectively so named, shall be deemed to be, the respondent or respondents in such appeal.

XLIV. And be it enacted, that if it shall appear to any revising barrister Power to that the validity of any number of such claims or objections determined by appeals. him at any court as aforesaid depends and has been decided by him upon the same point or points of law, and the parties, or any of them, aggrieved by or dissatisfied with his decision thereon shall have given notice of an intention to appeal therefrom, it shall in such case be lawful for the said barrister to declare that the appeals against such decision ought to be consolidated, and the said barrister shall in such case state in writing the case, and his decision thereon, in manner herein-before mentioned, and that several appeals depend upon the same decision, and ought to be consolidated, and shall read such statement, and sign the same, as herein-before mentioned, and thereupon it shall be lawful for the said barrister to name any person interested, and consenting, for and on behalf of himself and all other persons in like manner interested in such appeals, to be the appellant or respondent respectively in such consolidated appeal, and to prosecute or answer the said appeal, in like manner as any appellant or respondent might in his own case under the provisions of this Act, and the person so named appellant in such consolidated appeal, or some one on his behalf, shall, at the end of the said statement, make and sign a declaration in the form or to the effect following; (that is to say,)

Counties, Cities, and Boroughs.

make a declaration in

barrister to indorse on parties, &c.;

appellant, to be transmitted to Court of Common copy to respondent, if Who shall be

Overseers or town clerk

may be named as respondents

in consolidated

appeals,

any single

thereto.

to costs of

be made a

cuted or

answer to

If party interested

his appeal

separately.

FOR myself and on behalf of all the other persons who are interested as 9 appellants in this matter, and whose names are hereunder written, do ' appeal against this decision, and agree to prosecute this appeal.'

And the person so named respondent in such consolidated appeal, or some one on his behalf, shall in like manner make and sign a declaration in writing in the form or to the effect following; (that is to say,)

FOR myself and on behalf of all the other persons interested as respon-9 dents in this matter, and whose names are hereunder written, do agree ' to appear and answer this appeal.'

And the name, and, where necessary, the particulars of the qualification of every party intended to be joined in such consolidated appeal shall be written under the aforesaid declaration of the appellant or respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the said barrister, if necessary, in any case to name the overseers of any parish or township, or the town clerk of any city or borough, to be, and they or he so named shall be, the respondents or respondent in such consolidated appeal, without any such declaration being made or signed by them or him as herein-before mentioned.

Consolidated appeals to be conducted as appeal, and decision of Court of Common Pleas to be binding on all the parties Agreement for contribution consolidated appeal may rule of court. If consolidated appeal is not duly proseanswered, the court or a judge may give the conduct of it or of the other persons. shall refuse to be a party, may proceed

XLV. AND be it enacted, that in and with regard to every such consolidated appeal the like proceeding shall be had and taken and the like rules and regulations shall apply as in the case of any other appeal under this Act; and that every order, judgment, or decision of the said Court of Common Pleas shall be equally valid and effectual for all the purposes of this Act, and binding and conclusive upon all the parties named in or referred to as parties to such consolidated appeal as aforesaid; and that if in any case all or any of the parties to such consolidated appeal shall make or enter into any agreement as to the mode of contributing among themselves to the costs and expences of such appeal, the said agreement may, upon the application of any party or parties thereto, be made a rule of the said Court of Common Pleas, if the said court shall think fit: Provided always, that if any such consolidated appeal shall not be duly prosecuted or answered, it shall be lawful for the said Court of Common Pleas, or for the lord chief justice or any judge of the said court, to give to any party or parties interested in such appeal, upon his or their application, the conduct and direction of the said appeal, or of the answer thereto, respectively, as the case may require, instead of or in addition to any person named as aforesaid as appellant or respondent, and in such manner and upon such terms as the said court or lord chief justice or judge may think fit and order, or to make such other order in the case as may seem meet: Provided also, that if after the said barrister shall as aforesaid have declared that the appeal in any case ought to be with others consolidated any party interested in such appeal shall object and refuse to be a party to or to be bound by any such consolidated appeal, then and in such case the appeal in which such person is interested may proceed separately, but such person so refusing or objecting shall be liable to pay costs to the other party, but shall not be entitled to receive any costs of or in such appeal, unless the said court otherwise order.

Costs in such cases.

Power to barrister to give costs in certain cases

XLVI. And be it enacted, that if in any case it shall appear to any revising barrister holding any court as aforesaid that any person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious claim or objection or title to have any name inserted or retained in any list of voters, it shall be lawful for the said barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the costs or of any part of the costs of any person or persons in resisting such claim or objection or title; and in every such case the said barrister shall make an objecting. order in writing, specifying the sum which he shall order to be paid for such costs, and by and to whom and when and where the same sum shall be paid, and shall date and sign the said order, and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid: Provided always, that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of twenty shillings: Provided also, that such order for the Costs may be payment of costs as aforesaid may be made in any case, notwithstanding any party shall have given notice of his intention to appeal against any decision of of appeal, but the revising barrister in the same case; but in case of such appeal the said order for the payment of costs shall be suspended, and shall abide the event of such appeal, unless the court of appeal shall otherwise direct; but no appeal No appeal as shall be allowed or entertained against or only in respect of any such order for the payment of costs: Provided also, that whenever any revising barrister If costs be shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the said barrister to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive they are paid. the same, or deposited in the hands of the said barrister in court, for the use of the person so entitled.

XLVII. AND be it enacted, that the said lists of voters for each county, County lists signed as aforesaid, shall be forthwith transmitted by the revising barrister to mitted to clerk the clerk of the peace of the same county, and the clerk of the peace shall of the peace. keep the said lists among the records of the sessions, and shall forthwith cause him copied the said lists to be copied and printed in a book or books, arranged with the names in each parish or township in strict alphabetical order, according to the surnames, and with every polling district in alphabetical order, and with every parish or township within such polling district likewise in the same order, and shall, after the last list for each polling district, insert a list in like alphabetical order of all persons whose names shall not appear in any of the said lists for such polling district, but who shall in manner herein-before mentioned have been registered by the revising barrister to vote at the polling place of such last-mentioned district, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name: Provided always, that a number as aforesaid shall be prefixed to the name of every person in every such list inserted after the last list for any polling district as aforesaid, and no number, but an asterisk only, shall be prefixed to the name of the same person in the list of the parish or township in which his name originally appeared; and every such book shall be printed and arranged in such manner and form that the list of voters of and for each and every separate parish or township contained therein may be conveniently and completely cut out or detached from all the other lists of voters contained in the same book, so that all the lists for every or any polling place, or the list of every or any single

Counties, Cities, and Boroughs.

to parties claiming or

Such costs not to exceed 20s.

given notwithstanding notice shall abide the event of such appeal.

to costs only.

awarded against any party objecting, no other objection by him shall be heard until

and to be by into a book.

Clerk of the peace to sign and deliver a copy to the sheriff. Borough lists to be delivered to town clerks, and copied into books.

Town clerks to sign and deliver same to returning officers.

Books to be the register of voters for the ensuing year.

Copies of registers to be printed for sale.

Assessors and other officers neglecting to attend when summoned by revising barrister, liable to be fined.

Power to barristers to fine overseers for neglect of duty. parish or township, may be ready for the purposes of this Act or for sale; and the said clerk of the peace shall sign and deliver the said book or books on or before the last day of November in the then current year to the sheriff of the county, to be by him and his successors in the office of sheriff safely kept, for the purposes herein-after and in the said recited Act mentioned.

XLVIII. And be it enacted, that the lists of voters for each city or borough, signed as aforesaid, shall be forthwith delivered by the revising barrister to the town clerk of the same city or borough; and the said town clerk shall forthwith cause the said lists to be copied and printed in a book; and in the said book the said lists shall be arranged and every name numbered according to the directions aforesaid with regard to the county lists, so far as the same are applicable; and the said town clerk shall sign and deliver the said book on or before the said last day of November to the returning officer of the same city or borough, to be by him and his successors as returning officer safely kept for the purposes herein-after mentioned.

XLIX. And be it enacted, that the said printed book or books, so signed as aforesaid by the clerk of the peace or town clerk respectively, and given into the custody of the sheriff of any county, or the returning officer of any city or borough, as the case may be, shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which shall take place in and for the same county, city, or borough respectively, between the last day of November in the year wherein such register shall have been made and the first day of December in the succeeding year: . . . ; and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] the clerk of the peace of every county, and the town clerk of every city or borough respectively, shall keep printed copies of the said register for such county, city, or borough, and shall deliver such copies of such register, or of any part thereof, to any person applying for the same, upon payment of a price after the rate contained in the table numbered (2.) in the schedule (D.) to this Act annexed: Provided always, that no person shall be entitled to a copy of any part of any register relating to any parish or township without taking or paying for the whole that relates to such parish or township.

L. And be it enacted, that any assessor or collector of taxes, or other officer, or any overseer or overseers of the poor, or other persons having the custody of any poor-rate book for any past year, or any assistant overseer or relieving officer, who shall wilfully refuse or neglect, when duly required by summons under the hand of any revising barrister, to attend before such barrister at any court to be holden as aforesaid, according to the exigency of such summons, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of the said barrister holding any such court as aforesaid.

LI. AND be it enacted, that any overseer of any parish or township who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out the list of voters for any city or borough shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice or list, or copy of the part of the register of voters relating to his parish or township, at the time and in the manner required by this Act, or who shall wilfully refuse or neglect

to deliver to the clerk of the peace the copy of the lists of claimants and of persons objected to, and the copies of the register, as required by this Act, or who shall wilfully refuse or neglect to deliver to the town clerk of the city or borough the copies of the several lists as required by this Act, or who shall wilfully refuse or neglect to attend the court for revising the lists of voters of his parish or township, or to attend any revising barrister when required by any summons as aforesaid, or who shall wilfully refuse or neglect to deliver to the barrister or barristers holding any such court the several lists to be made out by them as aforesaid, or who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall for every such offence be liable to pay by way of fine a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of any barrister holding any court for the revision of any list of the parish or township of such overseer: Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any overseer or other person liable to any fine as aforesaid, or any liability such overseer or other person may incur under or by virtue of this Act or the said recited Act.

Counties, Cities, and Boroughs.

LII. AND be it enacted, that every revising barrister, when and so often as Fines how to he shall impose any such fine as aforesaid, shall at the same time in open court, by an order in writing under his hand stating the sum payable for such fine, direct by and to whom and when the same shall be paid, and the person to whom the said sum shall be so ordered to be paid shall receive the same, and in every case where the offence for which the said fine shall have been so imposed shall relate to the formation of the register of voters for any county he shall pay over the sum so received by him to the clerk of the peace of the same county, and in every case where such offence shall relate to the formation of the register of voters for any city or borough he shall pay over the sum so received by him to the town clerk of the same city or borough, or to the said secondaries, as the case may require.

LIII. AND be it enacted, that the clerk of the peace of every county and Clerk of the the town clerk of every city or borough respectively shall keep an account of peace and town clerk to all monies to be received by him or them for or on account of the sale of any account for copies of the register as aforesaid, or for or by way of fine imposed as afore- all monies said; and the said clerk of the peace shall pay over or account for all such received by monies received by him to the treasurer of the same county, to be applied in aid of the county rate; and the said town clerk shall pay over or account for all such monies so received by them to and amongst the overseers of the several parishes and townships within every city or borough; and the share of each parish or township shall be calculated as nearly as may be according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and the said monies, together with all monies received by any overseers from the sale by them of any lists, shall be paid and applied by the said overseers in aid of the monies collected for the relief of the poor. .

LIV. AND be it enacted, that an account of all expences incurred by any Expences of clerk of the peace of any county in carrying into effect the provisions of this Act shall be laid before the justices of the peace at the next quarter sessions be defrayed.

peace, how to

Expences of town clerks and returning officers, how to be defrayed. after such expences shall have been incurred, and the said justices of the peace shall make their order upon the treasurer of the said county for the payment of such expences, or such part thereof as they shall allow to the said clerk of the peace, out of the public stock of the said county.

LV. And be it enacted, that all the expences incurred by any town clerk or returning officer of any city or borough in carrying into effect the provisions of this Act shall be defrayed out of the monies to be collected for the relief of the poor in the several parishes and townships within the same city or borough; and the sum to be contributed by every such parish or township shall be calculated, as nearly as may be, according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and an account of all the said expences so incurred, and also an account of the sum to be contributed for defraying the same by each parish or township as aforesaid, shall, as soon as may be after the said expences shall have been so incurred, be laid before the common council or town council of the said city or borough, or, if there be no such council in any city or borough, then before the justices of the peace at the quarter sessions to be holden in and for the county in which the same city or borough is situate; and the said council or the said justices respectively shall when they allow the said accounts make and give to the said town clerk a certificate of the total sum allowed by such council or justices in respect of the said expences, and also a certificate of the sum to be paid by and as the contribution of each of the said parishes or townships towards defraying the same; and thereupon it shall be lawful for the overseers of every such parish or township, and they are hereby required, out of the first monies to be collected for the relief of the poor, to pay the sum in such certificate mentioned to be paid by and as the contribution of the said parish or township to the said town clerk.

Meaning of the words "town clerk" in case of London, Westminster, and Southwark.

Expences of overseers, how to be defrayed.

LVI. Provided always, and be it enacted, that throughout this Act the words "town clerk" shall not be understood to mean or apply to the town clerks of the cities of London or Westminster, or to the town clerk of the borough of Southwark, but throughout this Act by the words "town clerk" shall be understood in regard to the city of London the secondaries of the said city, and in regard to the city of Westminster the high bailiff of the said city, and in regard to the borough of Southwark the high bailiff of the said borough.

LVII. And be it enacted, that an account of all expences incurred by the overseers of every parish or township in carrying into effect the provisions of this Act shall be laid before the revising barrister at the court at which the list of voters for such parish or township shall be revised; and the said barrister shall sign and give to the said overseers a certificate of the sum which he shall allow to be due to them in respect of the said expences; and it shall be lawful for the said overseers to receive the sum so certified to be due to them from and out of the first monies thereafter to be collected for the relief of the poor in the same parish or township.

No payment necessary by persons making claims; LVIII. AND be it enacted, that, notwithstanding any thing in the said recited Act contained, it shall not be necessary for or required of any person claiming or upon giving notice of any claim as herein or in the said recited Act mentioned to pay or cause to be paid to the overseer of any parish or township the sum of one shilling, or any other sum; nor shall any notice of

claim as aforesaid be invalid by reason of such or any sum not having been paid; and no person whose name shall be upon any register of voters for any city or borough shall be therefore liable to the payment of one shilling annually, or of any other sum on that account.

LIX. AND be it enacted, that every barrister appointed to revise any lists of voters under this Act shall be paid the sum of two hundred guineas, by way of remuneration to him, and in satisfaction of his travelling and other expences; and every such barrister, after the termination of his last sitting, shall forward his appointment to the commissioners of her Majesty's Treasury, who shall make an order for the payment of the above sums to every such barrister, and all such sums shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland [Rep., Stat. Law Rev. Act, 1874 (No. 2).]: . . .

LX. And be it enacted, that all appeals or matters of appeal from or in Appeals to be respect of any decision of any revising barrister entertained in manner hereinbefore mentioned shall be prosecuted, heard, and determined in and by her Majesty's Court of Common Pleas at Westminster, according to the ordinary rules and practice of that court with respect to special cases, so far as the same may be applicable, and not inconsistent with the provisions of this Act, or in such manner and form, and subject to such rules and regulations, as the said court from time to time, by any rule or order made for regulating the practice and proceedings in such appeals, shall order and direct.

LXII. And be it enacted, that every appellant who shall intend to prosecute Notice of his appeal shall, within the first four days in the Michaelmas term next after appeal to be the decision to which such appeal shall relate, transmit to the masters of the appellant. said Court of Common Pleas the statement in writing so signed by the said revising barrister as aforesaid, and shall also therewith give or send a notice, signed by him, stating therein his intention to prosecute the said appeal, and the said appellant shall also give or send a notice, signed by him, to the respondent in the said appeal, stating his said intention duly to prosecute such appeal in the said court; and one of the masters of the said court, to be Appeals to be nominated for that purpose by the lord chief justice of the said court, shall book. forthwith enter every appeal of which he shall have received due notice from the appellant as aforesaid in a book to be kept by him for that purpose.

LXIII. AND be it enacted, that the judges of the said Court of Common Court to give Pleas shall, as soon as may be after the fourth day of Michaelmas term in every year, make arrangements for hearing the appeals entered as aforesaid, of hearing and shall appoint such certain day or days, either in term time or in time of vacation, as they may think fit and necessary, but as early as conveniently may be, for the purpose of hearing and deciding such appeals; and the said judges shall cause public notice to be given of the time and place so appointed by them for that purpose, and of the order in which such appeals will be heard.

LXIV. And be it enacted, that no appeal or matter of appeal whatsoever No appeal to shall in any case, except where the conduct and direction of the appeal, or of be entertained the answer thereto, shall have been given by order of the Court of Common given. Pleas, or of any judge thereof, to any person, be entertained or heard by the said court unless notice shall have been given by the appellant to the masters of the said court at the time and in the manner herein-before mentioned; and Nor where reno appeal shall be heard by the said court in any case where the said responnot appear, un-

Counties. Cities, and Boroughs.

nor by persons on registers in cities and boroughs. Remuneration of revising barristers.

heard by the Court of Common Pleas.

time and place

less appellant proves that notice was sent to him. Court may postpone the hearing of any appeal.

No appeal on questions of fact or the admissibility of evidence.

Court may remit case to revising barrister to be more fully stated.

Decisions of court to be final.

Decisions of court to be notified to the sheriff or returning officer, and registers to be altered conformably.

Copies of decisions on appeals purporting to be signed by a master to be admissible in evidence.

Appeal pending not to affect right of voting.

No decision after election to affect the dent shall not appear, unless the said appellant shall prove that due notice of his intention to prosecute such appeal was given or sent to the said respondent ten days at least before the day appointed for the hearing of such appeal: Provided always, that if it shall appear to the said court that there has not been reasonable time to give or send such notice in any case, it shall be lawful for the said court to postpone the hearing of the appeal in such case, as to the said court shall seem meet.

LXV. And be it enacted, that no appeal or notice of appeal under this Act shall be received or allowed against any decision of any revising barrister upon any question of fact only, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only: Provided always, that if the said court shall be of opinion in any case that the statement of the matter of the appeal is not sufficient to enable them to give judgment in law, it shall be lawful for the said court to remit the said statement to the revising barrister by whom it shall have been signed, in order that the case may be more fully stated.

LXVI. AND be it enacted, that every judgment or decision of the said court shall be final and conclusive in the case upon the point of law adjudicated upon, and shall be binding upon every committee of the House of Commons appointed for the trial of any petition complaining of an undue election or return of any member or members to serve in Parliament.

LXVII. And be it enacted, that whenever by any judgment or order of the said court any decision or order of any revising barrister shall be reversed or altered, so as to require any alteration or correction of the register of voters for any county, or for any city or borough, notice of the said judgment or order of the said court shall be forthwith given by the said court to the sheriff or returning officer, as the case may be, having the custody of such register, and the said notice shall be in writing under the hand of one of the masters of the said court, and shall specify exactly every alteration or correction to be made, in pursuance of the said judgment or order, in the said register; and such sheriff or returning officer respectively shall, upon the receipt of the said notice, alter or correct the said register accordingly, and shall sign his name against every such alteration or correction in the said register, and shall safely keep and hand over to his successors every such notice received by him from the said court as aforesaid, together with the said register.

LXVIII. AND be it enacted, that a copy of any order or decision of the said court, such copy purporting to be signed by one of the masters of the said court, shall be sufficient evidence in all cases, without proof of the signature of the said master, and shall have the like force and effect as any entry made in any list or register of voters under this or the said recited Act.

LXIX. AND be it enacted, that no right of voting at any election of a member or members to serve in Parliament shall be affected by any appeal pending in the said court at the time of the issuing of the writ for such election, but it shall be lawful for every person to exercise the right of voting at such election as effectually, and every vote tendered thereat shall be as good, as if no such appeal were pending; and that the subsequent decision of any appeal which shall be pending in the said court at the time of the issuing of the writ for any such election shall not in any way whatsoever alter or affect

the poll taken at such election, nor the return made thereat by the returning

LXX. And be it enacted, that it shall be lawful for the said court to make such order respecting the payment of the costs of any appeal, or of any part of such costs, as to the said court shall seem meet: Provided always, that it shall not be lawful for the said court in any case to make any order for costs against or in favour of any respondent or person named as respondent as aforesaid, unless he shall appear before the said court in support of the decision of the revising barrister in question.

LXXI. AND be it enacted, that in case any sum of money by the order of Costs and any revising barrister as aforesaid directed to be paid by any person by way of fine or for costs shall not be paid according to the terms of such order, it shall be lawful for any justice of the peace, and he is hereby required, upon proof before him that a true copy of the said order bath been served upon or left at the usual place of abode of the person in the said order directed to pay such sum, and that the said sum hath been demanded of such person, and that he hath refused or neglected to pay the same, by warrant under his hand and seal to order the said sum of money, together with the costs of and attending the said warrant, to be levied by distress and sale of the goods and chattels of such person so making default which may be found within the jurisdiction of the said justice; and the overplus, if any, after the said sum of money and costs, and the charges of such distress and sale, are deducted, shall be returned, upon demand, to the owner of the said goods and chattels: Provided always, No certiorari that no certiorari or other writ or process for the removal of any such order or warrant, or of any order or warrant to be made or issued on account of a false order of barcharge of personation in the manner herein-after provided, or any proceeding thereon respectively, into any of her Majesty's courts at Westminster, shall be allowed or granted.

Counties, Cities, and Boroughs.

result of such election. Court of Appeal may give costs, but not against or for a respondent unless he appears.

fines ordered barrister to be paid may be recovered by distress and sale of the parties goods.

rister, &c.

12 months of occupied by more persons than one, each of such joint occupiers shall be entitled may vote,

LXXIII. AND whereas by the said first-recited Act it is enacted, that "every 2 & 3 Will. 4. " male person of full age, and not subject to any legal incapacity, who shall c. 45. s. 20. " occupy as tenant any lands or tenements for which he shall be bonâ fide liable " to a yearly rent of not less than fifty pounds, shall be entitled to vote in the " election of a knight or knights of the shire to serve in any future Parlia-" ment for the county, or for the riding, parts or division of the county, in which " such lands or tenements shall be respectively situate": And whereas it is Sect. 26. also thereby enacted, that "no person shall be so registered in any year in " respect of any lands and tenements held by him as such occupier and tenant " as aforesaid unless he shall have been in the actual possession thereof for " twelve calendar months next previous to the last day of July in such year": Be it declared and enacted, that the lands and tenements in respect of the occupation of which at a yearly rent of not less than fifty pounds any person shall be so entitled to be registered in any year, and to vote in the election of a different lands knight or knights of the shire as aforesaid, shall not be required to be the same lands and tenements, but may be different lands and tenements, rented yearly rent and occupied as aforesaid in immediate succession by such person during the right to vote twelve calendar months next previous to the last day of July in such year; and that where any such lands and tenements shall be jointly rented and occupiers

if total rent amounts to 50l. for each occupier.

2 & 3 Will 4. c. 4 5. 8. 23.

Sect. 26.

Provision as to voting in respect of estates subject to mortgages or trusts.

2 & 3 Will. 4. c. 45, s. 27.

to be registered and vote in such election as last aforesaid in respect of the lands and tenements so jointly rented and occupied, in case the yearly rent for which they shall be bonk fide liable in respect of such lands and tenements shall be of an amount which, when divided by the number of such occupiers, shall give a bonk fide rent of not less than fifty pounds for each and every such occupier, but not otherwise.

LXXIV. And whereas by the said first-recited Act it is enacted, "that no " person shall be allowed to have any vote in the election of a knight or knights " of the shire for or by reason of any trust estate or mortgage, unless such " trustee or mortgagee be in actual possession or receipt of the rents and profits " of the same estate, but that the mortgagor or cestuique trust in possession shall " and may vote for the same, notwithstanding such mortgage or trust": And whereas it is also thereby enacted, "that no person shall be registered in any " year in respect of his estate or interest in any lands or tenements as free-" holder, copyholder, customary tenant, or tenant in ancient demesne, unless he " shall be in actual possession or in receipt of the rents and profits thereof to " his own use for six calendar months at least previous to the last day of July in " such year": And whereas doubts have arisen as to the true intent and meaning of the said first-mentioned enactment in certain cases: Be it therefore declared and enacted, that no mortgagee of any lands or tenements shall have any vote in the election of a knight or knights of the shire, or in the election of a member or members to serve in any future Parliament for any city or borough in which freeholders now have a right to vote, for or by reason of any mortgage estate therein, unless he be in the actual possession or receipt of the rents and profits thereof, but that the mortgagor in actual possession or in receipt of the rents and profits thereof shall and may vote for the same, notwithstanding such mortgage; and that no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but that the cestuique trust in actual possession or in the receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same, notwithstanding such trust.

LXXV. And whereas by the said first-recited Act it is enacted, that in every city or borough which shall return a member or members to serve in any future Parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately or jointly with any land within such city, borough, or place, occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions therein-after contained, be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough; and it is also provided, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid on or before the twentieth day of July in such year all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the sixth day of April then next preceding: And whereas doubts have arisen how far any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as in the said recited Act are mentioned, or any inaccurate description of the premises so occupied, has the effect of preventing any such person from being registered and entitled to vote in respect of such premises in any year: Be it therefore Inaccurate declared and enacted, that where any person shall have occupied such premises as in the said recited Act are mentioned for twelve calendar months next previous to the last day of July in any year, and such person being the person liable to be rated for such premises shall have been bona fide called upon to pay in respect of such premises all rates made for the relief of the poor in such parish or township during the time of such his occupation so required as aforesaid, and such person shall have bona fide paid, on or before the twentieth day of July in such year, all sums of money which he shall have been called upon to pay as rates in respect of such premises for one year previously to the sixth day of April then next preceding, such person shall be considered as having been rated and paid all rates in respect of such premises within the meaning of the

person so occupying or of the premises occupied notwithstanding. LXXVI. AND whereas doubts have arisen as to the measurement of the distance of seven statute miles in the said first-recited Act mentioned and therein prescribed as to the residence of voters for any city or borough: Be How distance it therefore declared and enacted, that the said distance shall be understood to be the distance of seven miles as measured in a straight line on the horizontal to residence plane from the point within any city or borough or place sharing in the election therewith from which such distance is to be measured, according to the directions in that behalf in the said Act: Provided always, that in cases where there is now or shall hereafter be a map of any city or borough, and of the country surrounding the same, drawn or published under the authority and direction of the principal officers of her Majesty's ordnance, such distance may be measured and determined by the said map.

said recited Act, and be entitled to be registered in respect of the same in any year, any misnomer or inaccurate or insufficient description in any rate of the

LXXVII. And whereas doubts have arisen whether, in order to entitle any person to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, in respect of any freehold messuages, lands, or tenements therein situate, it is necessary that the same should be assessed to the land tax: Be it therefore declared and enacted, that in order to entitle Freeholders any person to vote in any election of members to serve in Parliament in respect of any freehold messuages, lands, or tenements situate within the borough of New Shoreham, Cricklade, Aylesbury, or East Retford respectively it shall not be necessary that the same shall be assessed to the land tax, any statute to the contrary notwithstanding.

LXXVIII. AND whereas by the said first-recited Act it is enacted and provided, that every person then having a right to vote in the election for any city or borough in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or as a freeholder or burgage tenant, as therein

Counties. Cities, and Boroughs.

description in rate not to prevent persons being registered under recited enactment.

prescribed in recited Act as of voters for any city or borough is to be measured.

entitled to vote in New Shoreham, Cricklade, Aylesbury, or East Retford need not be assessed to land tax. 2 & 3 Will. 4. c. 45. s. 33.

Cesser in certain cases of special rights of voting reserved by recited enactment.

mentioned, shall retain such right of voting so long as he shall be qualified as an elector, according to the usages and customs of such city or borough, or any law then in force, and that such person shall be entitled to vote in the election of a member or members to serve in Parliament for such city or borough, if duly registered according to the provisions in the said Act in that behalf contained; and it is thereby further provided, nevertheless, that every such person shall for ever cease to enjoy such right of voting for any such city or borough as aforesaid if his name shall have been omitted from the register of such voters under certain circumstances therein and herein after specified: And whereas doubts have arisen as to the intent and meaning of the words the "register of such voters" in such last-mentioned provision: Be it therefore declared and enacted, that every such person shall for ever cease to enjoy such right of voting in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or as a freeholder or burgage tenant as aforesaid, if his name shall for two successive years not have been inserted or appear in the register of voters for such city or borough in respect of such other qualification (notwithstanding the name of such person may appear in such register for both or either of the same two successive years in respect of some qualification of a different nature), unless the name of such person in any such year shall not have been inserted as aforesaid or have been omitted by reason or in consequence of his having received parochial relief within twelve calendar months next previous to the last day of July in the same year, or by reason or in consequence of his absence on the naval and military service of her Majesty.

Register to be conclusive evidence at any election of the voter's retaining the qualification shewn in the

register.

No inquiry at time of election, except as to identity of the voter, and whether he has already voted.

LXXIX. And be it enacted, that at every future election for a member or members to serve in Parliament for any county, city, or borough the register of voters so made as aforesaid shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at such election:

LXXXI. And be it enacted, that in all elections whatever of a member or members to serve in Parliament for any county, riding, parts or division of a county, or for any city or borough, in England or Wales, or the town of Berwick-upon-Tweed, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; (that is to say,) that the returning officer or his respective deputy shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and

- not afterwards, the following questions, or either of them: 1. Are you the same person whose name appears as A.B. on the register of voters now in force for the county of , for for the riding, parts, or division of the county of or for the city [or borough] of [as the case may be]?
 - 2. Have you already voted, either here or elsewhere, at this election for the , [or for the county of riding, parts, division of the county of], or for the city

[as the case may be]? [or borough] of

And if any person shall wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanor, and shall and may be indicted and punished accordingly; and the returning officer or his deputy, shall, if required on behalf of any candidate at the time aforesaid, administer an oath to any voter in the following form:

YOU do swear [or affirm, as the case may be], that you are the same Oath to be person whose name appears as A.B. on the register of voters now in

' force for the county of

, [or for the riding, parts, or division of the county of

' or for the city [or borough] of

[as the case may be],

' and that you have not before voted, either here or elsewhere, at the present , [or for the

' election for the county of

riding, parts, or

division of the county of

or for the city [or borough] of

[as the case may be]. ' So help you GOD.'

LXXXII. AND be it enacted, that, save as aforesaid, it shall not be lawful Voter not to to require any voter at any election whatever of a member or members to serve in Parliament to take any oath or affirmation, either in proof of his other oath. freehold, or of his residence, age, or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; nor to reject No vote to any vote tendered at such election by any person whose name shall be upon except in the register of voters in force for the time being, except by reason of its consequence appearing to the returning officer or his deputy, upon putting such questions inquiries, or as aforesaid, or either of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he had take the oath, previously voted at the same election, or except by reason of such person or the oath refusing to answer the said questions or either of them, or to take the said oath, or make the said affirmation, or to take or make the oath or affirmation against bribery; and no scrutiny shall hereafter be allowed by or before any No scrutiny to returning officer with regard to any vote given or tendered at any such election; any law, statute, or usage to the contrary notwithstanding.

Counties, Cities, and

Boroughs.

administered to

voter, if re-

quired.

],

of answers to answer, or to against bribery.

or before returning officer.

LXXXV. And for the more effectual detection of the personation of voters at elections, be it enacted, that it shall be lawful for any candidate, at any election of a member or members to serve in Parliament for any county, city, or borough, previous to the time fixed for taking the poll at such election, to nominate and appoint an agent or agents on his behalf to attend at each or any of the booths appointed for taking the poll at such election, for the purpose of detecting personation; and such candidate shall give notice in writing to the returning officer, or his respective deputy, of the name and address of the person or persons so appointed by him to act as agent for such purpose; and thereupon it shall be lawful for every such agent to attend during the time of polling at the booth or booths for which he shall have been so appointed.

LXXXVI. AND be it enacted, that if at the time any person tenders his Returning vote at such election, or after he has voted, and before he leaves the polling booth, any such agent so appointed as aforesaid shall declare to the returning charged with officer, or his respective deputy, presiding therein, that he verily believes, and be taken into undertakes to prove, that the said person so voting is not in fact the person in custody. whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for the said returning officer, or his said deputy, and he is hereby required, immediately after such person shall have voted, by word of

Agents may be appointed by candidates personation at the time of polling.

order persons

Vote not to be rejected if questions answered in the affirmative;

but note of protest to be entered against vote in poll book.

Persons charged with personation to be taken before two justices. Bail to be taken or person discharged in certain cases;

but charge may be subsequently inquired into, and persons charged may be re-arrested.

If justices are satisfied that the person charged has been guilty of personation, they are to commit him for trial.

If justices are satisfied that the charge is unfounded, they are to order compensation; mouth to order any constable or other peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing: Provided always, that nothing herein contained shall be construed or taken to authorize any returning officer, or his deputy, to reject the vote of any person who shall answer in the affirmative the questions authorized by this Act to be put to him at the time of polling, and shall take the oaths or make the affirmations authorized and required of him; but the said returning officer, or his deputy, shall cause the words, "protested against for personation," to be placed against the vote of the person so charged with personation when entered in the poll book.

LXXXVII. And be it enacted, that every such constable or peace officer shall take the person so in his custody, at the earliest convenient time, before some two justices of the peace acting in and for the county, city, or borough within which the said person shall have so voted as aforesaid: Provided always, that in case the attendance of two such justices as aforesaid cannot be procured within the space of three hours after the close of the poll on the same day on which such person shall have been so taken into custody it shall be lawful for the said constable or peace officer, and he is hereby required, at the request of such person so in his custody, to take him before any one justice of the peace acting as aforesaid, and such justice is hereby authorized and required to liberate such person on his entering into a recognizance, with one sufficient surety, conditioned to appear before any two such justices as aforesaid, at a time and place to be specified in such recognizance, to answer the said charge; and if no such justice shall be found within four hours after the closing of the said poll then such person shall forthwith be discharged from custody: Provided also, that if in consequence of the absence of such justices as aforesaid, or for any other cause, the said charge cannot be inquired into within the time aforesaid, it shall be lawful nevertheless for any two such justices as aforesaid to inquire into the same on the next or on some other subsequent day, and, if necessary, to issue their warrant for the apprehension of the person so charged.

LXXXVIII. And be it enacted, that if on the hearing of the said charge the said two justices shall be satisfied, upon the evidence on oath of not less than two credible witnesses, that the said person so brought before them has knowingly personated and falsely assumed to vote in the name of some other person within the meaning of this Act, and is not in fact the person in whose name he voted, then it shall be lawful for the said two justices to commit the said offender to the gaol of the county, city, or borough within which the offence was committed, to take his trial according to law, and to bind over the witnesses in their respective recognizances to appear and give evidence on such trial as in the case of other misdemeanors.

LXXXIX. And be it enacted, that if the said justices shall on the hearing of the said charge be satisfied that the said person so charged with personation is really and in truth the person in whose name he voted, and that the charge of personation has been made against him without reasonable or just cause, or if the agent so declaring as aforesaid, or some one on his behalf, shall not appear to support such charge before the said justices, then it shall be lawful for the said justices, and they are hereby required, to make an order in writing under their hands, on the said agent so declaring as aforesaid, to pay to the

said person so falsely charged, if he shall consent to accept the same, any sum not exceeding the sum of ten pounds nor less than five pounds, by way of damages and costs; and if the said sum shall not be paid within twenty-four hours after such order shall have been made, then the same shall be levied, by warrant under the hand and seal of any justice of the peace acting as aforesaid, by distress and sale of the goods and chattels of the said agent; and in case no sufficient goods or chattels of the said agent can be found on which such levy can be made, then the same shall be levied in like manner on the action of debt. goods and chattels of the candidate by whom such agent was so appointed to act; and in case the said sum shall not be paid or levied in the manner aforesaid, then it shall be lawful for the said person to whom the said sum of money was so ordered to be paid to recover the same from the said agent or candidate, with full costs of suit, in an action of debt to be brought in any one of her Majesty's superior courts of record at Westminster: Provided always, that if If party falsely the person so falsely charged shall have declared to the said justices his consent accepts comto accept such sum as aforesaid by way of damages and costs, and if the whole pensation, no amount of the sum so ordered to be paid shall have been paid or tendered to brought. such person, in every such case, but not otherwise, the said agent, candidate, and every other person shall be released from all actions or other proceedings, civil or criminal, for or in respect of the said charge and apprehension.

XC. And be it enacted, that it shall and may be lawful for the high sheriff Sheriffs and of any county, and for the mayor or returning officer of any city or borough, officers to and he and they are hereby required, for the purposes aforesaid, to provide a provide constables at sufficient attendance of constables or peace officers in each booth at the different polling places. polling places within their respective counties, cities, or boroughs.

Counties. Cities, and Boroughs.

to be paid by agent or levied by distress on his goods or those of his principal, or recovered by

XCII. And be it enacted, that in the city of London the returning officer or Liverymen of officers shall take the poll or votes of such freemen of the said city, being Loudon to liverymen of the several companies, as are entitled to vote at such election, in Guildhall. the Guildhall of the said city, and shall not be required to provide for them any booth or compartment, but shall take one poll for the whole number of such liverymen at the same place.

XCIII. AND whereas it is enacted by the said first-recited Act, that at every 2 & 3 Will. 4. contested election for any county, riding or division of a county, city or c. 45, ss. 65, 68. borough in England, except the borough of Monmouth, the sheriff, under sheriff, or returning officer should, on the day therein mentioned, after the close of the poll, openly break the seals on the several poll books, and cast up the number of votes as they appear on the said several books, and openly declare the state of the poll, and make proclamation of the member or members chosen, not later than the time therein mentioned: And whereas no adequate provision has been made for the safe custody and production of the said poll books subsequent to such declaration of the poll and proclamation of the members chosen at any contested election, in consequence whereof great mischief and expence have arisen in cases of disputed returns of members to serve in Parliament: Be it therefore enacted, that at every contested election Poll books of a member or members to serve in Parliament for any county, riding, parts, at the close of a contested or division of a county, or for any city or borough in England or Wales, or election to be for the town of Berwick-upon-Tweed, the sheriff, under sheriff, or returning scaled and transmitted to officer, after having declared the state of the poll, and made proclamation of the clerk of the member or members chosen to serve in Parliament in the manner provided Chancery.

for by the said herein-before in part recited Act, shall forthwith enclose and seal up the several poll books, and tender the same to each of the candidates, to be sealed by them respectively; and in case any candidates shall neglect or refuse to seal the same, the sheriff, under sheriff, or returning officer shall thereupon indorse on one of the said poll books the fact of such neglect or refusal; and every such sheriff, under sheriff, or other returning officer shall, by himself or his agent, as soon as possible after such proclamation as aforesaid, deliver the same poll books, so sealed as aforesaid, to the clerk of the crown in the High Court of Chancery, or his deputy, or deliver the same, directed to the said clerk of the crown, to the postmaster or deputy postmaster of the city, town, or place wherein such proclamation shall have been made as aforesaid, who on receipt thereof shall give an acknowledgment in writing of such receipt to such sheriff, under sheriff, or returning officer, expressing therein the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by such sheriff, under sheriff, or returning officer; and the said postmaster or deputy postmaster shall despatch all such poll books, so sealed and directed as aforesaid, by the first post or mail after the receipt thereof, to the General Post Office in London; and the postmaster or postmasters general are hereby directed, immediately on receipt of such poll books, to convey the same to the crown office, and to deliver the same there, so sealed as aforesaid, to the said clerk of the crown or his deputy; and the said clerk of the crown or his deputy is hereby required to give to such postmaster or postmasters general, sheriff, under sheriff, returning officer, or agent delivering the same, a memorandum in writing, acknowledging the receipt of such poll books, and setting forth the day and hour when the same were delivered at the crown office; and the said clerk of the crown or his deputy is hereby required, immediately on receipt of such poll books, to register the same in the books of the said crown office, and to indorse thereon the day and hour upon which he received the same; and every such sheriff, under sheriff, or returning officer is hereby required, at the time of transmitting such poll books as aforesaid through the post office, to address and forward a letter by the same post or mail to the said clerk of the crown, informing him of such transmission, and giving the number and description of such poll books so transmitted.

Parties wilfully contravening this Act liable to penalty, recoverable by action of debt.

XCVII. And be it enacted, that every sheriff, under sheriff, clerk of the peace, town clerk, secondary, returning officer, clerk of the crown, postmaster, overseer, or other person, or public officer, required by this Act to do any matter or thing, shall for every wilful misfeasance, or wilful act of commission or omission contrary to this Act, forfeit to any party aggrieved the penal sum of one hundred pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party, with full costs of suit, by action for debt in any of her Majesty's superior courts at Westminster: Provided always, that nothing herein contained shall be construed to supersede any remedy or action against any returning officer according to any law now in force.

Notice of objection may be sent by the post.

C. And be it enacted, that it shall be sufficient, in every case of notice to any person objected to in any list of county, city, or borough voters, and in the livery list of the city of London, and also in the case of county voters to

the occupying tenant whose name and place of abode appears in such respective list as aforesaid, if the notice so required to be given as aforesaid shall be sent by the post, free of postage, or the sum chargeable as postage for the same being first paid, directed to the person to whom the same shall be sent, at his place of abode as described in the said list of voters; and whenever any person shall be desirous of sending any such notice of objection by the post he shall deliver the same, duly directed, open and in duplicate, to the postmaster of any post office where money orders are received or paid, within such hours as shall have been previously given notice of at such post office, and under such regulations with respect to the registration of such letters, and the fee to be paid for such registration (which fee shall in no case exceed two-pence over and above the ordinary rate of postage), as shall from time to time be made by the postmaster general in that behalf; and in all cases in which such fee shall have been duly paid the postmaster shall compare the said notice and the duplicate, and, on being satisfied that they are alike in their address and in their contents, shall forward one of them to its address by the post, and shall return the other to the party bringing the same, duly stamped with the stamp of the said post office; and the production by the party who posted such notice of such stamped duplicate shall be evidence of the notice having been given to the person at the place mentioned in such duplicate on the day on which such notice would in the ordinary course of post have been delivered to such place: Provided also, that if no place of abode of the person objected to shall be described in the said list, or if such place of abode shall be situate out of the United Kingdom, then it shall be sufficient if notice shall be given to the said overseers, and to such occupying tenant as aforesaid (if any) in the case of a county voter, or, in the case of a city or borough voter, to the overseers or to the town clerk, or, in the case of a liveryman of the city of London, to the secondaries and clerk of the particular company to which the person objected to shall belong, as is in each of the said cases herein-before required.

CI. And be it enacted, that throughout this Act, in the construction thereof, Interpretation except there be something in the subject or context inconsistent with or repugnant to such construction, the word "county" shall extend to and mean Mesning of any county, riding, parts or division of a county, respectively returning a "county." knight or knights of the shire to serve in Parliament; and the words "city or "city or "borough" shall extend to and mean any city, borough, town corporate, cinque borough:" port, district, or place within England and Wales returning a member or members to serve in Parliament, other than counties at large, and ridings. parts, and divisions of counties at large, and to every place sharing in the election of a member for any city or borough, and shall also include the town of Berwick-upon-Tweed; that the words "clerk of the peace" shall compre- "clerk of the hend and apply to any deputy or other person executing the duties of such clerk of the peace; and the words "town clerk" shall, except in regard to "town the cities of London and Westminster and the borough of Southwark, extend to and mean any person executing the duties of town clerk, or if in any city or borough there shall be no such officer as town clerk then to any officer executing the same or like duties as usually devolve upon the town clerk, or if in any city or borough there be no such person then to the returning officer of such city or borough, or to such person as the returning officer may appoint for that purpose, which he is hereby authorized to do; and the words "barrister" or "barristers" shall respectively be taken to include a serjeant or "barrister:"

" returning officer:"
" parish or township:"

" overseers" or " overseers of the poor."

Provision as to service of notices on overseers and others,

Provisions as to justices, sessions, clerks of the peace, and treasurers of counties to extend to ridings.

Town clerk of Newport to be deemed clerk of the peace of Isle of Wight.

Misnomer not to vitiate.

"Oath."

Singular.

Plura!.

serjeants-at-law; and the words "returning officer" shall apply to every person or persons to whom by virtue of his or their office, under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called; and the words "parish or "township" shall extend to and mean every parish, township, village, hamlet, district, or place maintaining its own poor; and the words "overseers" or "overseers of the poor" shall extend to and mean all persons who by virtue of any office or appointment shall execute the duties of overseers of the poor, by whatever name or title such persons may be called, and in whatsover manner they may be appointed, and that all matters by this Act directed to be done by the overseers of a parish or township may be lawfully done by the major part of such overseers; and that wherever any notice is by this Act required to be given or sent to the overseers of any parish or township, it shall be sufficient if such notice shall be delivered to any one of such overseers, or shall be left at his place of abode, or at his office or other place for transacting parochial business, or shall be sent by the post free of postage, or the postage thereof being first paid, addressed to the overseers of the particular parish or township, naming the parish or township, and the county, city, or borough respectively, to which the notice to be so sent may relate, without adding any place of abode of such overseers; and that wherever by this Act any notice is required to be given or sent to any person or persons whatsoever, or public officer, it shall be sufficient if such notice be sent by the post in the manner and subject to the regulations herein-before provided with respect to sending notices of objection by the post, free of postage, or the postage thereof being first paid, addressed with a sufficient direction to the person or persons to whom the same ought to be given or sent, at his or their usual place of abode; and that all provisions in this Act relative to any matters to be done by or with regard to justices of the peace for counties, or sessions of the peace for counties, or clerks of the peace for counties, or treasurers of counties, shall extend to the justices, sessions, clerks of the peace, and treasurers of the several ridings of Yorkshire and parts of Lincolnshire; and that the town clerk for the time being for the borough of Newport in the Isle of Wight shall for the purposes of this Act be deemed and taken to be the clerk of the peace for the county of the Isle of Wight; and that all the said respective justices, sessions, and clerks of the peace shall have power to do the several matters required by this Act, as well within places of exclusive jurisdiction as without; and that no misnomer or inaccurate description of any person, place, or thing named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing, provided that such person, place, or thing shall be so denominated in such schedule, list, register, or notice as to be commonly understood; and that the word "oath" shall include affirmation, where by law such affirmation is required or allowed to be taken in place of an oath; and where the subject or context requires it every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things.

SCHEDULES to which this Act refers.

Schedule (A.)

SCHEDULE (A.)

FORMS for Counties.

No. 2.

Notice to be given by the Overseers.

WE hereby give notice, that all persons entitled to vote in the election of a knight or knights of the shire for the county [or for the riding, &c.] of

, in respect of any property situate wholly or in part within this parish [or township], who are not upon the register of voters now in force, or who, being upon the register, shall not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register of voters about to be made for the said county [or riding, &c.], are hereby required to give or send to us or any of us, on or before the twentieth day of July in this year, a notice in writing by them signed, in which their name and surname at full length, their place of abode, and the particulars of their qualification, must be legibly written, according to the form hereunder set forth. Any person who is upon the present register may also make his claim, if he thinks fit; but it is not necessary that he should do so if he has the same qualification and place of abode now described in the register.

Dated this

day of June in the year

(Signed)

A.B. Overseers of the parish C.D. [or township] of E.F.

(Signed)

FORM of Notice of Claim to be given to Overseers.

To the overseers of the parish of

or township of

].

I HEREBY give you notice, that I claim to be inserted in the list of voters for the county of , [or for the riding, parts, or division of the county of , as the case may be], and that the particulars of my place of abode and qualification are stated in the columns below.

Dated the

day of

in the year

G.H.

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situate, or Name of the Property, if known by any, or Name of the occupying Tenant; or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.			

Schedule (A.) continued.

No. 3.

county of to wit, [or THE list of persons claiming to be entitled to riding, parts, or division of the county of vote in the election of a land to be entitled to County of vote in the election of a knight [or knights] of the shire for the county of the case may be.] riding, parts, or division of the county of the case may be], in respect of property situate in whole or in part within the parish of · [or township, as the case may be].

Margin for entering Overseers Objections	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant; or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.
	<u>-</u>	••	· !	
•		•		
•			(Signed)	A.B. Overseers of the said parish [or township].

No. 4.

NOTICE of Objection to be given to the Overseers.

To the overseers of the parish [or township, as the case may be,] of.

I HEREBY give you notice, that I object to the name of the person mentioned and described below being retained in the list of voters for the county For for the riding, parts, or division of the county] of

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described.	Nature of Qualification as described.	Street, Lane, or other like Place where the qualifying Property is situate, &c as described in the List or Register.				
	:						
Dated the	day of	i	n the year . (Signed) A.B.				

[Place of abode.]

No. 5.

Notice	of	Objection	n to 1	be given	to Pa	rties	object	ted	to by	any	${\bf Person}$	other
than	Ov	erseers, a	nd to	the occu	ıpying	Tens	nt of	the	quali	fying	Proper	ty.

of To Mr. [Here insert the name and place of abode of the person objected to as described in the list; and in the case of notice to the tenant of the qualifying property insert his name and place of abode as described in the list.]

TAKE notice, that I object to your name [in the notice to the tenant, instead of the words "your name," insert the name of the person objected to] being retained in the [here insert the name of the parish] list of voters for the county of for for the riding, &c.] day of

Dated this

one thousand eight hundred

and

(Signed) A.B. of [place of abode], on the register of voters for the parish of

No. 6.

LIST of Persons objected to, to be published by the Overseers.

THE following Persons have been objected to as not being entitled to have their Names retained in the List of Voters for the County of for the Riding, Parts, or Division of the County of].

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant; or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed)

A.B.) Overseers of the parish of · for township, C.D.

E.F.) as the case may be]. Schedule (B.)

SCHEDULE (B.)

FORMS for Cities and Boroughs.

No. 1.

PRECEPT of the Town Clerk to the Overseers.

City [or borough] of or the overseers of the poor of the parish of county of or riding, &c.].

[or to the overseers of the poor of the township of the wit.].

In pursuance of the provisions of the Act of Parliament of the Vict.

., I require your attention to the following

Instructions:--

On or before the twentieth day of June you are to publish a notice, signed by you, according to the form marked No. 2. among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows; (that is to say,) you are to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [or township], including chapels which do not belong to the Established Church, or, if there should be no such church or chapel, then in some public and conspicuous situation in your parish [or township], and it must remain there during a period including two Sundays at least.

On or before the last day of July you are to make out an alphabetical list of all persons who may be entitled to vote in the election of a member [or members] to serve in Parliament for this city [or borough], in respect of the occupation of premises of the clear yearly value of ten pounds, situate wholly or in part within your parish [or township], and another alphabetical list of all other persons (except freemen) who may be entitled to vote in the election for this city [or borough] by virtue of any other right whatsoever; and in making out each of the said lists you must write or cause to be written the christian name and surname of every such person at full length, together with the place of his abode and the nature of his qualification; and when the qualification of any person shall be in respect of any property, you must state the name of the street, lane, and number of the house, if any, or other description of the place where such property may be situate.

And on or before the first day of August you are to publish written or printed copies of the said lists, signed by you, on every church or chapel in your parish [or township], in the same manner as before mentioned with regard to the notice.

You are to keep also a copy of such lists, signed by you, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the said lists shall have been published.

You are to make out a list, according to the form numbered 8., containing the name of every person who shall have given or have caused to be given to you or any one of you, on or before the twenty-fifth day of August, his claim to have his name inserted in any list of your parish [or township], and also

Schedule (B.) continued.

another list, according to the form numbered 12, containing the name of every person against whom a notice of objection shall have been given to you or any one of you, on or before the twenty-fifth day of August, as not being entitled to have his name retained in any list for your city [or borough]; and on or before the first day of September you are to sign and publish each of such lists on every church or chapel in your parish [or township], in the same manner as before mentioned with regard to the notice.

You are to keep a copy of these lists, signed by you, and you are to allow the same, and also the notices of objection, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September, both inclusive; and you are to deliver a copy of each of such lists to any person requiring the same, on the payment of a price for each copy after the rate contained in the table marked schedule (D.) No. 1., herewith sent.

If you shall find any such notice, list, register, or other document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

On or before the twenty-ninth day of August you are to deliver to me a copy of the list of voters, a copy of the list of claimants, and a copy of the list of persons objected to, so respectively made out and signed by you as aforesaid.

You are to attend the court to be holden for the revision of the list of voters for your city [or borough], of the time of holding which notice will be given; and at the opening of such court you are there to deliver to the barrister before whom the same shall be holden the several lists made out by you, and signed by you, and the original notices of objection and the original notice of claims given to you.

Herein if you fail you will be liable to the penalties in that case provided.

Given under my hand, this day of one thousand eight hundred .

(Signed) A.B.

Town clerk for the said borough,

No. 2.

NOTICE to be given by the Overseers.

City [or borough] We hereby give notice, that no person will be entitled to of county of to wit.

We have his name inserted in any list of voters for this city [or borough], now about to be made, in respect of the occupation of premises of the clear yearly value of ten pounds, whether situate wholly or in part within this parish [or township], unless he shall pay, on or before the twentieth day of July, all the poor's rates and assessed taxes which have become due from him in respect of such premises during the twelve calendar months next before the sixth day of April last past; and all persons who omit to make such payments will be incapable of being upon the next register of voters for this city or borough.

Dated this day of June in the year one thousand eight hundred

(Signed)

A.B. Overseers of the parish
C.D. [or township] of

Schedule (B.) continued.

No. 3.

THE List of Persons entitled to vote in the Election	of a Member [or Members]
for the City [or Borough] of	, in respect of Property
occupied within the Parish [or Township] of	, by virtue of
· an Act passed in the Second Year of the Reign of	King William the Fourth,
intituled "An Act to amend the Representation	of the People in England
" and Wales."	

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situated.
;		(Signed)	A.B. Overseers of the parish C.D. [or township] of E.F.

No. 4.

THE List of all Persons (not being Freemen) entitled to vote in the Election of a Member [or Members] for the City [or Borough] of in respect of any Rights other than those conferred by an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act "to amend the Representation of the People in England and Wales."

	-	•	•
Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in this Parish where the Property is situate, and Number of the House (if any). [When the Right of Voting depends on Property.]
			•
		(Signed)	A.B. Overseers of the parish of [or township]
	· _ · ·	,	E.F. within the city [or borough] of

rough] of

Schedule (B.)

No. 5.

LIST of Freemen to be published by the Town Clerk.

THE List of Freemen of the City [or Borough] of , [or of , being a Place sharing in the Election with the City [or Borough] of], entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

Christian Name and Surname of each Freeman at full Length.	Place of his Abode.
•	

No. 6.

NOTICE of Claim.

To the overseers of the parish [or township] of

I HEREBY give you notice, that I claim to have my name inserted in the list made by you of persons entitled to vote in the election of a member [or members] for the city [or borough] of , and that the particulars of my qualification and place of abode are stated in the columns below.

Dated the day of one thousand eight hundred .

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in the Parish [or Township] where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]
-			
-			•

Schedule (B.) continued.

No. 7.

NOTICE of Claim by Freemen to be given to the Town Clerk.

To the town clerk of the city [or borough] of

I HEREBY give you notice, that I claim to have my name inserted in the list made by you of persons entitled as freemen to vote in the election of a member [or members] to serve in Parliament for the city [or borough] of , and that my qualification is as freeman of street, in this city [or borough, or, as the and that I reside in case may be]. Dated this day of

one thousand eight hundred

and

(Signed)

E.F. J

J.D.

No. 8.

LIST of Claimants to be published by the Overseers.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [or Members] for the City [or Borough] of

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Naturé of Qualification.	Street, Lane, or other Place in this Parish where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]
		(Signed)	A.B. Overseers of &c

No. 9.

List of Claimants to be published by the Town Clerk.

THE following Persons claim to have their Names inserted in the List of the Freemen of the City [or Borough] of , being a Place sharing in the Election with the City [or Borough] of entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

Christian Name and Surname of each Person, as in the Claim.	Place of his Abode.

Schedule (B.) continued.

No. 10.

Notice of Objection.

To the Overseers of the Parish [or Township] of Town Clerk of the City [or Borough] of as the Case may be]. . , [or to the , [or otherwise,

I HEREBY give you notice, that I object to the name of being retained in the list of persons entitled to vote in the election of a member [or members] for the city [or borough] of .

Dated this

day of

(Signed) A.B. of [place of abode], on the list of voters for the parish of •

Note.—If more than one list of voters, the notice of objection should specify the list to which the objection refers; and if the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

No. 11.

FORM of Notice of Objection to be given to Parties objected to.

To Mr.

I HEREBY give you notice, that I object to your name being retained on the list of persons entitled to vote in the election of members [or a member] for the city [or borough] of

Dated this

day of

(Signed) A.B. of [place of abode], on the list of voters for the parish of

No. 12.

LIST of Persons objected to, to be published by the Overseers.

THE following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [or Members] for the City [or Borough] of

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place in the Parish where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]
			·
		(Signed	i) A.B.)

 $\left\{ \begin{array}{c} A.B. \\ C.D. \\ E.F. \end{array} \right\}$ Overseers of, &c.

Schedule (B.)

"Schedule (C.)

	N	No. 13.				
THE List of	Persons objected to,	to be pu	blished by the I	own Clerks.		
THE following Potheir Names reof Election with the	ersons have been obstained on the List of the City [or Borough of a Member [or M	ojected to of the Fr	o as not being or reemen of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Cont	entitled to have ity [or Borough] he sharing in the entitled to vote		
	rname of each Person ected to.		Place of his	of his Abode.		
•						
	(Signe	ed) A	.B. Town clerk	of the said city gh or place].		
	Forms for the	City of				
A LIST of such of of London.	the Freemen of Lo entitled to vote		are Liverymen of Memb			
	and Surname of the full Length.	Stree	et, Lane, or other his Place of A			
				·		
• • • • • • • • • • • • • • • • • • •	N	o. 2.	(Signed)	A.B. Clerk.		
to t	to be given to the S	pective I	Livery Companie	8.		
\mathbf{of}	laries of the city of		_			
list made by the notice to the clerk [or, in case of not	you notice, that I clerk of the compact, say, made by you lice to the clerk, say entitled to vote it	any of] of the l y, of the	liverymen of the liverymen of t	[or, in case of said company, he company of		
London. Dated the	day of		_			
Dauca one		signed)	A.B. { [Place of Name of	of abode. of company.]		

No. 3.

Schedule (C.) continued.

List of Claimants to be published by the Secondaries of the City of London.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the City of London.

Christian Name and Surname of Claimants, as in the Claim.		Place of Abo	ode. Nam	e of the Company.
	i		•	•
			; ;	
Dated the	day of	(Signed)	A.B. Seco	ondaries of the city of London.

No. 4.

Notice of Objection to Parties inserted in the List of the Livery. To Mr.

I HEREBY give you notice, that I object to your name being retained in the list of persons entitled to vote, as freemen of the city of London and liverymen of the company of , in the election of members for the said city.

Dated the

day of

(Signed)

A. B. of [place of abode], on the list of voters of

No. 5.

NOTICE of Objection to be given to the Secondaries of the City of London, and to the Clerks of the respective Livery Companies.

To the secondaries of the city of London [or to the clerk of the company of

I HEREBY give you notice, that I object to the name of
being retained in the list of persons entitled to vote, as freemen of the City of
London and liverymen of the company of
members for the said city. Dated this
day of

(Signed) A. B. of [place of abode], on the list of voters of

Note.—If the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

Schedule (C.) continued.

No. 6.

THE List of Persons objected to, to be published by the Secondaries of the City of London.

THE following Persons have been objected to as not entitled to have their Names retained on the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the said City.

Christian and Surname of each Person objected to.	Place of his Abode.	Name of the Company.
•		
Dated the	day of (Signed)	A. B. Secondaries of the C. D. city of London.

Schedule (D.)

SCHEDULE (D.)

No. 1.

TABLE of Rates of Payment to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any list or copy of a list containing any number of persons names:--

				8.	d.
Not exceeding 100 names -	-	-	-	0	6
Exceeding 100 and not exceeding	200	-	-	1	0
Exceeding 200 and not exceeding	300	-	-	1	6
Exceeding 300 and not exceeding	400	-	-	2	0
Exceeding 400	~	-	-	2	6

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every copy of any register or any part of any register containing any number of persons names:—

Not exceeding 1,000 names -	-	- 1	0
Exceeding 1,000 and not exceeding 3,000		- 2	6
Exceeding 3,000 and not exceeding 6,000	-	- 5	0
Exceeding 6,000 and not exceeding 9,000	-	- 7	6
Exceeding 9,000		- 10	0

CHAPTER XX.

An Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office. [31st May 1843.]

HEREAS the ancient office of the Queen's coroner and attorney in the Court of Queen's Bench, commonly called the master of the Crown Office, hath lately become vacant by the death of Peregrine Dealtry esquire, and Charles Francis Robinson esquire hath been appointed to the said office, to prevent the inconvenience which would have arisen from delay in filling it up, but subject to such arrangements and regulations as might by Parliament be deemed expedient: And whereas it is desirable to relieve the public and the suitors from many ancient and unsuitable fees now taken in the Crown Office, and to remodel the present establishment, and that the offices or employments of the clerks in court and certain other officers now existing in the said Crown Office should be abolished: And whereas, under the provisions of an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "An Act for regulating the receipt and future 11 Geo. 4. & " appropriation of fees and emoluments receivable by officers of the superior c. 58. " courts of common law," compensation has been awarded to the whole of the present officers who are entitled thereto, and whose offices will cease under the provisions of this Act: Be it therefore enacted by the Queen's most The Queen's most corporate and excellent Majesty, by and with the advice and consent of the lords spiritual attorney, one and temporal, and commons, in this present Parliament assembled, and by the master, and one assistant authority of the same, that the only officers on the master, to crown side of the said court shall be the Queen's coroner and attorney, one master, and one assistant master [a]; and . . . the several offices or employments now existing in the Crown Office of secondary, of clerk of the rules, of clerk of
the affidavity of examinar of calcular bearer of clerk of the grand invites of clerks in

Queen's Bench. the affidavits, of examiner, of calendar keeper, of clerk of the grand juries, of clerks in court, and of the Queen's clerk in court, shall be and the same are hereby abolished, offices and shall wholly cease and determine. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

II. there shall also be in the said office so many Such clerks clerks and messengers as the lord chief justice of the Court of Queen's Bench and messengers as the lord chief justice of the Court of Queen's Bench and messengers as the lord chief justice of the Court of Queen's Bench shall determine to be necessary and proper; and such clerks and messengers necessary to shall and may be appointed by the Queen's coroner and attorney, and the master in the said office, with the approbation of the said lord chief justice:

be the only officers on the abolished.

gers as aro be appointed.

III. And be it enacted, that when and so often as any vacancy shall occur Appointment in either of the . . . said offices on the crown side of the said court, by death, resignation, or otherwise, it shall and may be lawful for the lord chief vacancies. justice of the said court for the time being to nominate and appoint some fit and proper person to fill such vacant office, such person being a barrister or pleader, in actual practice, of not less than five years standing, or an admitted attorney of the said court, in actual practice, of not less than five years standing on the rolls of the said court, or any one of the persons who shall hold any office or employment under the provisions of this Act in the Crown Office, Provided always, that the lord chief justice Restriction as of the said court shall not be at liberty to fill up such vacancy unless it shall vacancies.

I Section 1 is rep., so far as it relates to one assistant muster, Stat. Law Rev. Act, 1874 (No. 2).]

Appointments to be made without pecuniary consideration; officers to hold office during good behaviour, and clerks and messengers during pleasure.

i

Duties to be performed as court shall direct.

Appointment, &c. of deputy in case of sickness or absence of officer.

Persons appointed not to practise

elsewhere.

Salaries of officers.

IV. And be it enacted, that all such appointments of officers, clerks, or messengers to be made by virtue of this Act shall be so made without any pecuniary or other consideration whatever, directly or indirectly, to be paid or received for the same; and the officers to be hereafter appointed by virtue of this Act shall hold their offices during their good behaviour, and the persons to be appointed by virtue of this Act as such clerks and messengers shall hold their situations during pleasure; and such officers, clerks, and messengers shall execute their duties in person, and shall give their attendance in court or elsewhere, and shall conduct the business of their several employments, at such places and hours, whether in term or vacation, and in every respect in such manner, as the Court of Queen's Bench shall from time to time order and direct.

V. Provided always, and be it enacted, that if either of the said officers shall, from sickness or other unavoidable cause, have occasion to be absent from the business of his office for a longer period than two months at any one time, then and in every such case it shall be lawful for the lord chief justice of the said court for the time being to give leave of absence by his order in writing to such officer, and, if necessary, to appoint a deputy in his place, during such time as shall be expressed in such order, and the name of such deputy, and also the cause and time of such absence, shall be stated in such order; and such deputy may, if occasion shall require it, be changed by the said lord chief justice; and every deputy so appointed shall be paid by the principal for whom he shall act, out of his salary, such remuneration for his services as the said lord chief justice shall direct in such order, not being in any case less than at the rate of one third of the amount of the salary of such officer, during the period that such deputy shall act.

VI. AND be it enacted, that no person holding any such office of the Queen's coroner and attorney, master, or assistant master [7], or being a clerk on the crown side of the said court, shall, either directly or indirectly, act as a barrister, attorney, or solicitor, or as agent of any attorney or solicitor, in any court of law or equity in the United Kingdom, either separately or in partner-ship with any other person, during such time as he shall hold such office or act as such clerk.

VII. AND be it enacted, that the Queen's coroner and attorney, and the master in the Crown Office, shall receive by way of salary, for performing the duties of their respective offices, the sum of one thousand two hundred pounds per annum each, to be paid and be payable quarterly; namely, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in every year,

I^a Section 6 is rep., so far as it relates to the assistant master, Stat. Law Rev. Act, 1874 (No. 2).

together with a proportional part of such annual sum for the term which at the decease of the person entitled thereto shall have elapsed since the last payments thereof.

IX. AND be it enacted, that the clerks and messengers who shall be Salaries of appointed as herein-before directed shall receive, by way of salary, for the performance of their several duties, such annual sum and payable at such times be fixed by the as the lord chief justice of the said court and the commissioners of her Majesty's justice and the Treasury of the United Kingdom of Great Britain and Ireland shall from time commissioners to time fix and determine:

of the Trea-

XI. AND be it enacted, that if any officer, clerk, or messenger appointed or Officers, clerks, to be appointed under or by virtue of this Act shall, for any thing done or pretended to be done relating to their offices or employments, or under colour of doing any thing relating to their offices or employments, or for forbearing to do any act properly appertaining thereto, demand or accept, or allow any person whatsoever to take for him or on his account, or for or on account of or in trust for him, or any other person named by him, any gratuity, perquisite, or reward, or any thing of value, other than the lawful fees and emoluments of the said respective offices, or other than the salary or remuneration allowed or to be allowed to every such officer, clerk, or messenger, it shall be lawful for the said lord chief justice, and he is hereby empowered and required, upon his being satisfied that the person charged is guilty of so offending, to remove him from his office or employment; and the person so removed shall be and is hereby rendered incapable for ever thereafter of holding any office, situation, or employment in any of the courts of law or equity in the United Kingdom, or of otherwise serving her Majesty, her heirs or successors, in any manner whatsoever.

&c. not to take gratuities, on pain of

XIII. . . . every person appointed or to be appointed Allowances to any situation as aforesaid under this Act, who on retirement from office. shall hereafter resign his office or situation with the sanction and under the authority of the lord chief justice of the said court, in consequence of his being incapable, from infirmity of mind or body, to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said commissioners of her Majesty's Treasury shall direct; and in ascertaining and awarding the amount of such superannuation allowance the said commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in the said court, or in any other public office or situation, prior to the passing of this Act, and shall proceed according to the principles laid down by an Act passed in the fourth and fifth years of the reign of his said late Majesty King William the Fourth, intituled "An Act to alter, amend, and consolidate the laws for regulating the 4 & 5 Will. 4. pensions, compensations, and allowances to be made to persons in respect of

XIV. And be it enacted, that the solicitors for the several public boards, What persons and all persons admitted or admissible to practise as attornies in the Queen's shall be allowed to Bench, shall be allowed in like manner to practise on the crown side of the practise as said court, any law or usage to the contrary notwithstanding, upon payment attornies on the

crown side of the court.

Lord chief justice, &c. to establish a table of fees; but no fees to be demanded in respect of proceedings directly at the suit of her Majesty.

nevertheless of such fees in respect of the business transacted by such attornies on the crown side of the said court as shall by the said lord chief justice and judges of the said court be fixed and appointed under the provisions hereinafter expressed and declared in that behalf.

XV. And be it enacted, that it shall and may be lawful for the lord chief justice and the judges of the said court, or any three or more of them, and they are hereby required, on or before the first day of January one thousand eight hundred and forty-four to establish and ordain at their discretion a table of fees to be thereafter taken by the said Queen's coroner and attorney, and master, and to vary and afterwards modify the same from time to time as they shall think fit; and the fees so established and ordained shall be deemed and taken to be the lawful fees of the Crown Office: Provided always, that no fees whatever shall be demanded or received by the said coroner and attorney, master, or assistant master 5-7, or by any person employed by them in the said office, for or in respect of any act, duty, or service required to be done, performed, or rendered by them, or any of them, in the course of any proceedings carried on in the said office directly at her Majesty's suit and charge; and the said coroner and attorney, master, and assistant master [1], and the several persons employed by them in the said office, are hereby authorized and required to perform and render such acts, duties, and services as may be required in the course of such last-mentioned proceedings, without payment of any fee whatsoever in respect thereof.

Lord chief justice, &c. to make rules, &c. for care and custody of records, and issuing of writs, &c. and conduct of business on crown side of court.

The Queen's coroner and attorney and master to perform the duties of the officers abolished.

Duties of clerks in court how to be performed.

The Queen's coroner to receive monies and account

XVI. AND be it enacted, that it shall and may be lawful for the said lord chief justice and the judges of the said court, or any three or more of them, to make such rules, orders, and regulations from time to time for the care and custody of the records and other proceedings on the crown side of the said court, and the enrolment thereof, and the issuing, returning, and filing of writs and other proceedings, and all other matters and things relating to the practice and the general business to be transacted on the crown side of the said court, as to them shall seem fit and proper.

XVII. AND be it enacted, that all acts, duties, and services now done, performed, and rendered by the said officers abolished by this Act, or any of them, in their respective offices on the crown side of the said court, except so far as the same may be altered or regulated in pursuance of this Act, shall continue to be done, performed, and rendered by the said Queen's coroner and attorney, and master, . . . or their successors, or by one of them; and such acts, duties, and services, when so done, performed, and rendered by the said officers or their successors, or one of them, shall be good and valid in law to all intents and purposes: Provided always, that the several acts, duties, and services now and heretofore done, performed, and rendered by the clerks in court on the crown side of the said court shall . . be done, performed, and rendered by the solicitors for the several public boards and by the attornies of the said court in like manner as the business of the like descriptions is now transacted on the civil side of the said court: Provided also, that all monies paid into the said court for her Majesty's use shall continue to be received as heretofore by the said Queen's coroner and attorney;

I^a Section 15 is rep., so far as it relates to the assistant master, Stat. Law Rev. Act, 1874 (No. 2).

and the several accounts of fines, issues, amerciaments, penalties, and recog- for fines, &c. nizances set, lost, imposed, or forfeited to or for the use of her Majesty in the as heretofore. said court, required by any Act now in force to be rendered and made by the said coroner and attorney, and all other acts, duties, and services now done, performed, and rendered by the said coroner and attorney touching the receipt and payment of monies to or for the use of her Majesty, and the accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Queen's coroner and attorney.

CHAPTER XXII.

An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission, in certain Cases, of unsworn Testimony in Civil and Criminal Proceedings. [31st May 1843.]

THEREAS there are resident within the limits of or in countries adjacent to divers of the British colonies and plantations abroad various tribes of barbarous and uncivilized people, who, being destitute of the knowledge of God and of any religious belief, are incapable of giving evidence on oath in any court of justice within such colonies or plantations: And whereas doubts have arisen whether any laws which have been or which might be made by the legislatures of such colonies respectively to provide for the admissibility in such courts of the evidence of such persons are not or would not be repugnant to the law of England, and therefore null and void; and it is expedient that such doubts should be removed: Be it therefore enacted by the Laws or Queen's most excellent Majesty, by and with the advice and consent of the ordinances lords spiritual and temporal, and commons, in this present Parliament assem-legislatures bled, and by the authority of the same, that no law or ordinance made or to of British be made by the legislature of any British colony for the admission of the admission of evidence of any such persons as aforesaid in any court or before any magis-the evidence trate within any such colony shall be or be deemed to have been null and void persons or invalid by reason of any repugnancy or supposed repugnancy of any such residing therein shall enactment to the law of England, but that every law or ordinance made or to have the same be made by any such legislature as aforesaid, for the admission before any other laws such court or magistrate of the evidence of any such persons as aforesaid on or ordinances any conditions thereby imposed, shall have such and the same effect, and shall legislature. be subject to the confirmation or disallowance of her Majesty in such and the same manner, as any other law or ordinance enacted for any other purpose by any such colonial legislature.

made by the colonies for of any such

CHAPTER XXIII.

An Act to amend and explain an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [27th June 1843.]

4 & 5 Vict, c. 35.

Enfranchisement may be

made in con-

sideration of an annual rent,

THEREAS an Act was passed in the fifth year of the reign of her present Majesty Queen Victoria, intituled "An Act for the commuta-" tion of certain manorial rights in respect of lands of copyhold and customary " tenure, and in respect of other lands subject to such rights, and for facilitating " the enfranchisement of such lands, and for the improvement of such tenure"; and it is expedient to amend and explain the said Act in certain respects: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, in addition and subject to the provisions contained in the said Act, any enfranchisement made under the same may be made, either wholly or in part, for the consideration of a grant of an annual rent in fee to be thenceforth charged on and issuing out of the lands enfranchised, such annual rent to be valued in like manner and be subject to the like variation as the commutation rent-charge under the provisions of the said Act; and that, in addition and subject to the provisions contained in the said Act, any commutation or enfranchisement made under the same may be made either wholly or in part for the consideration of a conveyance of lands parcel of the same manor as the lands commuted or enfranchised, and subject to the same uses and trusts as the lands commuted or enfranchised shall be subject to at the time of such commutation or enfranchisement, or any right to mines or minerals in or under such lands, or any right to waste in lands belonging to such manor.

to be charged on lands eufranchised, and commutation or enfranchisement may be made in consideration of the convevance of lands subject to the same uses as those commuted or enfranchised. or any right to mines, minerals, or waste. Power to the

II. AND be it enacted, that if the consideration for the enfranchisement under the said Act shall be either wholly or in part the grant of an annual rent, then it shall be lawful for the person empowered by the said Act to obtain the enfranchisement of such lands to grant such annual rent to the person enfranchising such lands, and his heirs, to the uses and upon and for the trusts, intents, and purposes to, upon, and for which the manor of which such lands are parcel shall be subject and held at the time of such enfranchisement, and to charge such annual rent on all or such of the lands enfranchised as shall be fixed on, and to make the same payable by equal half-yearly payments; and the annual rent so granted shall be a rent service, and thenceforth parcel of and appendant and appurtenant to the same manor as the lands enfranchised; and such annual rent may be granted either by deed 'or by a schedule of appointment, to be made and signed pursuant to the directions of the said Act and of this Act.

Power to the person obtaining the enfranchisement of lands to grant an annual rent in consideration of such enfranchisement, to be payable out of lands enfranchised, and to be parcel of the manor.

Is All the provisions of the copyhold Acts which authorize commutations by schedule of apportionment, and also all the provisions which authorize commutations by a schedule to be prepared by the steward, and also all the provisions which authorize enfranchisement by schedule of apportionment, and also all the provisions which authorize the charging of enfranchisement or compensation moneys or the expenses of commutations or enfranchisements upon land, are rep., 21 & 22 Vict. c. 94. s. 2.

III. AND be it enacted, that if the consideration for the commutation or Power to the enfranchisement under the said Act shall be either wholly or in part the con-person obtainveyance of lands, or a right to mines or minerals, or a right to waste in lands mutation or belonging to such manor as aforesaid, then it shall be lawful for the person ment of lands empowered by the said Act to obtain such commutation or enfranchisement to convey to convey the lands, or rights to mines or minerals, or rights to waste in lands to mines, belonging to such manor, fixed on as the consideration, either wholly or in minerals, or part, for such commutation or enfranchisement, to the person commuting or sideration of enfranchising the lands proposed to be commuted or enfranchised, and his such commuheirs, to the uses and upon and for the trusts, intents, and purposes to, upon, enfranchiseand for which the manor of which such lands are parcel shall be subject and ment. held at the time of such commutation or enfranchisement.

waste, in con-

IV. AND be it enacted, that if at any time while an annual rent shall Power to the remain charged on any lands under this Act the person for the time being a particular seised in possession of such annual rent or entitled to the receipt thereof shall estate in an be so seised or entitled for a particular estate, (whether such estate shall have charged on been subsisting at the time of the enfranchisement of such lands or not,) then any lands to apportion it shall be lawful for such person, whether he shall be so seised or entitled in the same. actual possession or in remainder or reversion expectant on the determination of any estate for a term of years, to divide and apportion such annual rent, and to declare what part and proportion thereof shall be thenceforth severally charged upon each of the respective parcels of such lands between which such apportionment is intended to be made; and after such apportionment such annual rent shall be chargeable upon and payable out of such lands only, and in such parts and proportions only, as shall be so declared: Provided never- Proviso where theless, that it shall not be lawful for any person so seised or entitled as aforesaid in respect of an undivided share only of such annual rent to divide and in undivided apportion such annual rent, unless the person for the time being enabled either by this Act or otherwise to divide and apportion the same as respects the other undivided share thereof shall join in dividing and apportioning such annual rent.

V. AND be it enacted, that if at any time while an annual rent shall remain Power to the charged on any lands under this Act the person seised of such lands in posses- a particular sion, or entitled to the receipt of the rents, issues, and profits thereof, shall be estate in lands so seised or entitled for a particular estate, (whether such estate shall have an annual rent been subsisting at the time of the enfranchisement of such lands or not,) then to concur in the apportionit shall be lawful for such person, whether he shall be so seised or entitled in ment thereof. actual possession or in remainder or reversion expectant on the determination of any estate for a term of years, and with the consent of the copyhold commissioners, to concur in any division or apportionment of such annual rent, and to agree what part and proportion thereof shall be thenceforth severally charged upon each of the respective parcels of such lands between which such apportionment is intended to be made: Provided nevertheless, that it shall not Proviso where be lawful for any person so seised or entitled as aforesaid in respect of an entitled to undivided share only of such lands to concur in or agree to any such division lands in undivided shares. or apportionment, unless the person for the time being enabled either by this Act or otherwise to concur in such division or apportionment as respects the other undivided share of such land shall concur in or agree to such apportionment,

No apportionment of rent to be made without the consent of the person entitled to the lands.

Annual rents charged on lands under this Act to be first charges on such lands, in priority to all other charges except tithe rentcharge. Sub-lessees not to be liable to the payment of a greater sum than they were before liable to.

If at the time of the conveyance of any lands in consideration of an enfranchisement there shall be a lease subsisting, the person to whom such lands shall be conveyed shall have the reversion on such lease, and may distrain for the rents and enforce the covenants, &c. VI. PROVIDED nevertheless, and be it enacted, that no division or apportionment shall be made under this Act of an annual rent charged on any lands unless with the concurrence and agreement of the person seised of such lands or entitled to the receipt of the rents, issues, and profits thereof for an estate in respect of which he is enabled either by this Act or otherwise to concur in or agree to such apportionment, so as to render the same permanent and effectual.

VII. AND be it enacted, that every annual rent which shall be charged on any lands under the authority of this Act shall be a first charge on such lands, and shall have priority over all mortgages, charges, and incumbrances whatsoever affecting such lands, tithe rent-charge excepted, notwithstanding such mortgages, charges, and incumbrances shall have been or shall be respectively made and created before such apportioned annual rent shall be charged on such lands,

VIII. PROVIDED always, and be it enacted, that a sub-lessee under any sub-lease, his executors, administrators, or assigns, shall not, in consequence of any charge under this Act either with an annual rent, or in consequence of any apportionment under this Act either of an apportioned annual rent or of any rent reserved in any lease, be liable to the payment of any greater sum of money than he would have been subject or liable to if such charge or apportionment had not been made.

PROVIDED always, and be it enacted, that if at the time of the conveyance under this Act, in consideration either wholly or in part of the commutation or enfranchisement of any lands held by copy of court roll, there shall be subsisting in the lands so conveyed any lease (not being an underlease), then the lessee under such lease, his executors, administrators, and assigns, shall pay, observe, and keep to and with the person to whom such lands shall be so conveyed, or other the person for the time being seised of or entitled to such lands expectant on the determination of such lease, and his executors or administrators, the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease as are or ought to be thenceforth respectively paid, observed, and kept in respect of the lands so conveyed; and the person to whom such lands shall be so conveyed, or other the person so for the time being seised of or entitled as aforesaid, shall and may from time to time make or bring all such distresses, actions, suits, or entries for nonpayment of such rent'or reservations, or for non-performance of the covenants, conditions, and agreements, in such lease respectively reserved and contained, as could, in case such conveyance had not been made, have been made or brought by the person making such conveyance, or other the person for the time being seised of or entitled to the reversion expectant on the determination of such lease; and that in all such distresses, actions, suits, and entries the rent, reservations, covenants, conditions, and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators, or assigns shall be deemed and taken to be annexed to an immediate reversion vested in the person to whom such lands shall be so conveyed, or other the person for the time being so seised of or entitled to such lands as aforesaid.

X. Provided always, and be it enacted, that if at the time of any commutation or enfranchisement under the said Act or under this Act of any lands

If at the time of the commutation or there shall be subsisting in such lands any lease (not being an under-lease), enfranchisethen the lessee under such lease, his executors, administrators, and assigns, shall pay, observe, and keep to and with the person for the time being seised shall be any of or entitled to the lands so commuted or enfranchised, and his executors or administrators, the rent, reservations, covenants, conditions, and agreements the person respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease as are or ought to be thenceforth reversion on respectively paid, observed, and kept in respect of the lands so commuted or such lease, and enfranchised; and the person for the time being seised of or entitled to the for the rents lands so commuted or enfranchised shall and may from time to time make or and enforce bring all such distresses, actions, suits, or entries for nonpayment of such rent &c. or reservations, or for non-performance of the covenants, conditions, and agreements, in such lease respectively reserved and contained, as could have been made or brought by the person who would for the time being have been entitled to the lands so commuted or enfranchised in case such commutation or enfranchisement had not been made; and in all such distresses, actions, auits, and entries the rents or reservations, covenants, conditions, and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators, or assigns shall be deemed and taken to be annexed to an immediate reversion vested in the person for the time being seised of or entitled to the lands so commuted or enfranchised.

ment of any lands there lease aubsisting therein, . seised of or entitled to such lands shall have the may distrain

XII. AND be it enacted, that if any manor, or any part thereof, shall be Part of the

subject to the payment of any fee-farm rent or other charge not exceeding the amount of the annual quit rents payable to the lord of such manor, it shall be enfranchiselawful for the said commissioners to direct that so much of the money to be received for enfranchisement in any such manor under the provisions of the Bank and said recited Act or this Act, as they shall consider adequate, shall be paid into the Bank of England in the name and with the privity of the accountant general of the Court of Chancery, to be placed to his account there ex parte charge payable the copyhold commissioners, and to be applied under the directions of the said out of the Court of Chancery in paying or redeeming the said charge, and in exonerating therefrom the land which shall be enfranchised and indemnifying the owners of such land, and otherwise as the said court shall direct, on petition in a therefrom, summary way, as provided for in the case of other money to be paid into the Bank of England under the said Act; and every such fee-farm rent or other charge shall be paid to the person entitled thereto at the same time, and subject to the same deductions for land tax or otherwise, but to no others, as if no enfranchisement had taken place; and when provision shall have been so made Application of for any such charge it shall be lawful for the said commissioners to direct that the remainder of the money to be paid for enfranchisement and the surplus chisement income of the money so paid into the Bank of England, after payment of all expences attending the payment of such fee-farm rent or other charge to the person entitled thereto, shall be applied in like manner as if no such charge Enfranchised had existed; and thenceforth no land which shall be enfranchised in such manor shall be chargeable with or liable to the payment of any greater part liable to any of the said fee-farm rent or other charge than the amount of the quit rent greater part theretofore payable out of such land, but to that extent the said land shall farm rent than

ment may be paid into the applied in paying off any fee-farm rept or other manor, and exonerating the enfranchised lands

the remainder of the enfranmoney.

lands not to

the amount of quit rent theretofore payable out of such land.

Commissioners may direct that any other security may be substituted for the pay-ment of money into the Bank. and thereupon, or in any other case with consent of party entitled to fee-farm rent, may declare enfranchised lands to be exonerated therefrom.

4 & 5 Vict. c. 35. s. 56.

Notice to person entitled to next estate of inheritance unnecessary where any party to enfranchisement pays the whole price thereof so that no charge is created on the inheritance.

Enfranchisement money, when the lord of the manor has only a limited interest, may be paid either into the Bank, or to trustees, to be by them applied in the same manner as if paid into Bank.

continue and be chargeable with and liable to the payment of the said fee-farm rent or other charge, and shall be subject to the like remedies for the recovery thereof as if such quit rent continued payable; and the said commissioners shall state in the deed, schedule, or other instrument of enfranchisement the amount of such quit rent or liability in every case, and such statement shall be conclusive against the owners of the said land: Provided nevertheless, that it shall be lawful for the said commissioners, whatever may be the amount of such fee-farm rent or other charge, with the consent of the person entitled thereto, to direct, if they shall see fit, that any other security in land or money which they shall consider sufficient for the purpose shall be substituted for the payment of money into the Bank of England in manner aforesaid, and in that case, or in any case, and whatever may be the amount of such fee-farm rent or other charge, with the consent of the person entitled as aforesaid, to direct that all or any part of the land to be enfranchised shall be entirely released from the payment of the said fee-farm rent or other charge, and the same land shall thenceforth be released accordingly.

XIII. AND whereas it is provided by the said Act, that whenever the estate of any party to any enfranchisement under the said Act shall be less than an estate of fee simple in possession or corresponding copyhold or customary estate, notice in writing shall be given to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by such enfranchisement: Be it enacted, that in case any tenant whose estate shall be less than an estate of fee simple as aforesaid shall be a party to an enfranchisement under the said Act or this Act, and shall pay the whole of the price of enfranchisement, so that no part thereof or of the expences thereof shall be charged on the inheritance of the land to be enfranchised, it shall not be necessary that the person entitled to the next estate of inheritance or remainder or reversion shall have notice of such enfranchisement.

XIV. And be it enacted, that when any lord of a manor shall be only entitled for a limited estate or interest therein, or shall be under any legal disability, any money to be paid under the said Act or under this Act for enfranchisement from the lord's rights shall, at the option of the respective parties for the time being entitled to the said manor the rights of which shall be enfranchised, or of their respective husbands, guardians, or committees, in case of coverture, infancy, idiotcy, lunacy, or other incapacity, be paid into the Bank of England, in the name and with the privity of the said accountant general, and be placed to his account, in order to be applied in manner as in the said Act directed, or otherwise the same may be paid, at the like option, to the trustees acting under the will, conveyance, or settlement under which such lord having such limited interest shall hold or be entitled to or interested in the said manor of which the lands so to be enfranchised shall be parcel, or if there are no such trustees then into the hands of trustees to be nominated under the hands and seal of the said commissioners; and the money when so paid to such trustees shall be applied by the said trustees, with the consent of the said commissioners, in the manner directed and specified by the said Act of and concerning any money to be paid for enfranchisement under the said Act, into the Bank of England, in the name and with the privity of the said accountant general; and upon every vacancy in the office of such trustee

some other fit person shall be appointed by the said commissioners in like

XV. AND be it enacted, that the said recited Act and this Act shall be con- To what lands strued to extend to all lands holden by copy of court roll or by a custom of a the Acts shall be construed to manor for life or lives or for years, whether the tenant thereof have or have extend, not a right of renewal; and that the words "land or lands" shall extend to all corporeal and incorporeal hereditaments whatsoever, whether subject to manorial rights or otherwise, or any undivided part or share therein.

XVI. AND be it enacted, that this Act shall be taken and construed to be a This Act to part of the said recited Act.

part of recited

CHAPTER XXIV.

An Act to continue, until the Fifth Day of April One thousand eight hundred and forty-five, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices. [27th June 1843.]

III. And whereas by an Act passed in the forty-third year of the reign of King George the Third, intituled "An Act for consolidating certain of the 43 Geo. 3. " provisions contained in any Act or Acts relating to the duties under the c. 99. " management of the commissioners for the affairs of taxes, and for amending " the same," it is enacted, that the persons to be appointed collectors of the duties under the regulations of the last-recited Act shall, if required so to do, give good and sufficient security, by a joint and several bond, with sureties, to and in the names of two or more of the commissioners appointed for putting in execution the said Act, and with such condition to the said bond for the duly demanding, collecting, and paying over of the said duties by the said collectors as in the said last-recited Act is mentioned; and it is also enacted, that every such bond shall be prosecuted by the commissioners to whom the same is given on any failure or default of the collectors, subject nevertheless to such proviso as in the said last-recited Act is contained for restraining the putting in suit of such bond against the sureties of the collectors: And whereas great doubts and difficulties have arisen with relation to the prosecuting of such bonds upon the failure or default of the collectors, and otherwise in the execution of the said last-recited Act, and of other Acts granting duties to be assessed, raised, and levied under the regulations of the said Act; and it is expedient to remove such doubts, and to facilitate the execution of the said several Acts: Be it therefore enacted, that so much of the said last-recited Act as provides that no such bond as aforesaid shall be put in suit against any surety or suretics for any deficiency other than what shall remain unsatisfied after sale of the lands, tenements, goods, and chattels of such collector or collectors, in pursuance and by virtue of the directions and powers given to the respective commissioners by the said last-mentioned Act, shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874 (No. 2).

IV. And be it enacted, that upon the trial of any action or suit against the Evidence sureties of a collector of any of the duties aforesaid, or of the duties arising tors of taxes from the land tax, upon any bond entered into either in pursuance of any and their sureties of Act relating to the said respective duties or otherwise, or upon the execution sums collected

and not paid over by the collectors.

of any writ of inquiry of damages in such action or suit, the production of an account in the handwriting of such collector, or signed by him, of any sum or sums of money collected or received by him for or on account of the said respective duties, or any of them, shall be sufficient proof of the receipt by such collector of every such sum and sums of money therein mentioned on account of the duties given to him in charge for collection; and that, as well in any such action or suit as aforesaid, as upon all other occasions whatsoever, any schedule delivered upon oath by such collector in pursuance of any such Act as aforesaid, and containing or purporting to contain the names of persons who have made default in payment of the said respective duties, or any of them, and of the sums remaining in arrear, shall be sufficient evidence to charge such collector and his sureties respectively with all other sums of money comprised in the assessment or assessments given to him in charge to collect, and not included in such schedule or previously accounted for and paid over to the proper officer for receipt; and all such sums not so included in such schedule, or previously accounted for and paid over, shall be deemed to have been collected and received by such collector, and to remain in his hands unpaid and in arrear.

Costs awarded against commissioners in actions or suits relating to collectors' bonds to be raised by assessment on the parish.

V. And be it enacted, that where in any action or suit by the commissioners acting in the execution of the said Acts, or of the Acts relating to the land tax, upon any bond entered into either in pursuance of any such Act or otherwise, the said commissioners shall, without their own wilful neglect or default, fail to recover a verdict against the defendant or defendants in such action or suit, and costs shall be awarded to the said defendant or defendants, or where in case of any suit in equity being brought against the said commissioners in relation to any such bond, and they shall be adjudged to pay costs to the plaintiff or plaintiffs in such last-mentioned suit, the said commissioners shall not be personally liable to the payment of any such costs, but the same shall be defrayed by an assessment upon the inhabitants of the parish or place in relation to which the bond which shall have been the subject of such action or suit shall have been given, and which assessment the commissioners acting in the execution of the said respective Acts are hereby required and authorized to make, sign, and allow as soon as conveniently may be after such costs shall have been awarded and ascertained; and the said commissioners shall cause such assessment to be made, collected, levied, and recovered in the same manner as other assessments of costs are by the said recited Act or this Act directed to be made, collected, levied, and recovered, and shall cause the same to be paid over to the person or persons entitled to such costs.

Powers and provisions of Acts relating to the recovery of duties to be put in force for the recovery of costs assessed on the parish.

VI. And be it enacted, that all the authorities, powers, and provisions contained in any Act or Acts now in force relating to the recovery of the duties aforesaid, or any of them respectively, either under the warrant of the commissioners directed to the collectors in their respective districts, or by process from her Majesty's Court of Exchequer, shall be construed and deemed to be applicable to, and shall be applied, enforced, and put in execution for the levying and enforcing the payment of any sum or sums assessed by the said commissioners for costs, either under the authority of this Act or of any other Act or Acts relating to the said duties, or any of them respectively.

VII. And whereas an Act was passed in the last session of Parliament, intituled "An Act for granting to her Majesty duties on profits arising from

5 & 6 Vict. c. 85. " property, professions, trades, and offices, until the sixth day of April one thou-" sand eight hundred and forty-five," and in the carrying of such Act into execution much difficulty and inconvenience is experienced by reason of doubts as to the districts, parishes, or places in which corporations, companies, societies, and other persons in certain cases ought to be assessed for profits under the several schedules of the said Act, and by reason of their being liable to be assessed for profits under one or more of the said schedules in several districts, parishes, or places: For remedy whereof be it enacted, that in any case where any Commissioners doubt shall have arisen or shall arise as to the district, parish, or place, or of stamps and taxes to direct districts, parishes, or places, in which any corporation, company, society, or inwhatdistricts person ought to be charged or assessed to the duties granted by the said lastrecited Act under any one or more of the schedules of the said Act, and also shall be in any case where any corporation, company, society, or person shall have been the property charged or assessed, or shall be liable to be charged or assessed, to the said and income last-mentioned duties, under any one or more of the said schedules, in two or cases. more districts, parishes, or places, it shall be lawful for the commissioners of stamps and taxes, or any two or more of them, and they are hereby authorized and empowered, in any of the several cases aforesaid, to order and direct that such corporation, company, society, or person shall be charged and assessed to the said duties in such district, parish, or place, or districts, parishes, or places, as shall appear to the said last-mentioned commissioners to be most convenient and proper, and thereupon such corporation, company, society, or person shall be charged and assessed to the said duties according to such order, any thing in the said last-recited Act to the contrary notwithstanding.

corporations

VIII. And for the relief of parties who may be doubly charged or assessed Relief of to the said last-mentioned duties, be it enacted, that whenever it shall appear persons doubly to the satisfaction of the commissioners of stamps and taxes that any corporation, company, society, or person hath been or shall have been, either by income tax. any error, mistake, or otherwise, assessed more than once to any of the said duties for the same cause and for the same year, and either in the same district, parish, or place, or in different districts, parishes, or places, it shall be lawful for the said last-mentioned commissioners, or any two or more of them, to order and direct that the whole or so much and such part of such one or more of the said assessments as shall appear to them the said commissioners to be a double charge or overcharge as aforesaid shall be vacated and discharged, and thereupon the same shall be by such order vacated and discharged accordingly.

CHAPTER XXVI.

An Act for regulating the Prison at Millbank.

[27th June 1843.]

HEREAS it is expedient to repeal the laws passed for the establishment and regulation of the Penitentiary House at Millbank, near Tothill Fields, in the county of Middlesex, and that the buildings there should be used as a prison for the reception of such offenders as are herein-after mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that an Act passed in the thirty-fourth

Repeal of 84 Geo. 3. c. 84. 52 Geo. 3. c. 44.

56 Geo. 3. c. 63.

59 Geo. 3. c. 135. 7 & 8 Gco. 4. c. 33.

4 & 5 Will. 4. c. 36. in part.

5 & 6 Will. 4. c. 38. in part.

7 Will. 4. & 1 Vict. c. 13. 2 & 3 Vict. c. 56. in part. 5 & 6 Vict. c. 98. in part.

6 & 7 Vict. cc. 3, 4. in part. and other enactments relating to Millbank Penitentiary.

Lands and buildings of Millbank Penitentiary vected in her Majesty.

Penitentiary to be called Millbank Prison, and to be used for the offenders herein-after specified, and to be subject to previsions of 5 & 6 Will. 4. c. 88. 2 & 3 Vict. c. 56. 5 & 6 Vict. c. 98. Prison to be exempt from rates and

Appointment of governor, chaplain, medical officer, matron, and other officers.

taxcs.

year of the reign of King George the Third, intituled "An Act for erecting a penitentiary " house or houses for confining and employing convicts"; and an Act passed in the fiftysecond year of the same reign, intituled "An Act for the erection of a Penitentiary House " for the confinement of offenders convicted within the city of London and county of Middlesex; and for making compensation to Jeremy Bentham esquire for the nonperformance of an agreement between the said Jeremy Bentham and the lords commissioners of his Majesty's Treasury respecting the custody and maintenance of " convicts"; and an Act passed in the fifty-sixth year of the same reign, intituled "An " Act to regulate the General Penitentiary for convicts at Millbank in the county of "Middlesex"; and an Act passed in the fifty-ninth year of the same reign, intituled "An Act for the better regulation of the General Penitentiary for convicts at Millbank"; and an Act passed in the eighth year of the reign of King George the Fourth, intituled "An Act for the further regulation of the General Penitentiary at Millbank"; and so much of an Act passed in the fifth year of the reign of his late Majesty, intituled "An Act for establishing a new court for the trial of offences committed in the metro-" polis and parts adjoining," as relates to the said Penitentiary House; and so much of an Act passed in the sixth year of the same reign, intituled "An Act for effecting " greater uniformity of practice in the government of the several prisons in England " and Wales, and for appointing inspectors of prisons in Great Britain," as relates to the said Penitentiary House; and an Act passed in the seventh year of the same reign, intituled "An Act to amend the Acts for regulating the General Penitentiary at Mill- bank"; and so much of an Act passed in the third year of the reign of her Majesty, intituled "An Act for the better ordering of prisons," as relates to the said Penitentiary House; and so much of an Act passed in the last session of Parliament, intituled "An "Act to amend the laws concerning prisons," as relates to the said Penitentiary House; and so much of two Acts passed in this session of Parliament, intituled, severally, "An Act for preventing mutiny and desertion, and for the better payment of "the army and their quarters," and "An Act for the regulation of her Majesty's "royal marine forces while on shore," as relates to the said Penitentiary House; and also so much of any other Act now in force as relates to the said Penitentiary House, shall be repealed, except so far as any of the said Acts may repeal the whole or any part of any other Act, [Rep., Stat. Law Rev. Act, 1874 (No. 2).] . . .

II. And be it declared and enacted, that the lands and tenements purchased for the establishment of the said Penitentiary House, or thereunto in anywise belonging, with all furniture and fixtures therein, now belonging to her Majesty, or hereafter provided for the use of the prison, shall be and continue vested absolutely in her Majesty, her heirs and successors.

III. And be it enacted, that after the passing of this Act the said Penitentiary House shall be called "The Millbank Prison," and shall be used as a prison for such offenders as are herein-after specified, and shall be within the provisions of an Act passed in the sixth year of the reign of his late Majesty, intituled "An Act for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing "inspectors of prisons in Great Britain," and of an Act passed in the third year of the reign of her Majesty, intituled "An Act for the better ordering of prisons," and of an Act passed in the last session of Parliament, intituled "An Act to amend the laws concerning prisons."

IV. And be it enacted, that the said prison, and all the lands, tenements, and hereditaments thereunto belonging, with the appurtenances thereof, and all persons in respect thereof, shall be wholly freed and discharged from all taxes, rates, assessments, and charges whatsoever.

V. And be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state to appoint for the said prison, and at his pleasure to remove, a governor, a chaplain or chaplains (being clergymen not having any other cure of souls), a medical officer, and a matron, and so many other officers and servants as he shall deem to be necessary for the service and discipline of the

prison; and the several persons who shall be the governor, chaplains, surgeon or apothecary, matron, and other officers of the said Penitentiary at the time of the passing of this Act shall continue to hold the like offices in the Millbank Prison until they shall die, resign, or be removed by the secretary of state, and shall continue, as officers of the Millbank Prison, to hold all records, books, and papers which were in their custody as officers of the said Penitentiary House; and the secretary of state, with the approval of the commissioners of Salaries of her Majesty's Treasury, shall fix the salaries to be paid to the said governor, chaplains, medical officer, matron, and other officers and servants of the prison: Provided always, that no chaplain shall officiate at the said prison unless he Chaplain to be shall have obtained a licence from the bishop of the diocese of London to officiate at the said Millbank Prison or at the said Penitentiary House, nor for any longer time than while such licence shall be in force; and notice of every such appointment of a chaplain shall be sent to the bishop by the secretary of state within one calendar month next after such appointment.

VI. AND be it enacted, that it shall be lawful for the secretary of state, if he Secretary of shall deem it necessary, to require any person employed in the said prison to state may give security for the due performance of his or her duties, in such sums, and rity from any with such collateral securities, and in such form, as the secretary of state shall direct.

VII. AND be it enacted, that every person appointed to any office or em- Removal of ployment in the said prison who shall be removed from his or her office or employment shall quit the said prison forthwith, or within such time as shall refusing to give be allowed by one of the said inspectors; and if he or she shall refuse or neglect to give up possession of any house, building, or apartment therein or belonging thereto within such period as shall be fixed by the secretary of state in any order or notice in writing, not being less than forty-eight hours after the delivery to such person of any such order or notice, then it shall be lawful for the secretary of state, by warrant under his hand and seal, to direct the sheriff of the county to remove such person out of the prison, and the said sheriff shall thereupon clear the possession thereof, so far as relates to any part of the prison, or any house, building, or apartment therein or belonging thereto, occupied by or in possession of such person, in like manner as upon a writ of habere facias possessionem.

VIII. AND be it enacted, that such of the inspectors of prisons as shall be Inspectors of appointed for that purpose by one of her Majesty's principal secretaries of state have the powers shall have the same powers and duties with respect to the said prison which of visiting the visiting justices of any other prison have with respect to their prison, and to the prison. that the justices of the peace for the county of Middlesex or for the city and liberty of Westminster shall not have any power or jurisdiction with respect to the said prison; and all enactments respecting the visiting justices of any to have no prison shall be deemed to apply to the said inspectors with respect to the jurisdiction. Millbank Prison; and the said inspectors shall hold meetings, and they or any Rules for two of them shall be empowered from time to time to make and alter rules for government to be made by their meetings and for all matters relating thereunto, and also for the govern- inspectors and ment of the said prison, and for the duties and conduct of the governor and approved by other officers of the prison, and for the diet, clothing, maintenance, employment, state. and discipline of the convicts imprisoned therein, as to the said inspectors shall seem fit: Provided that no such rule, whether it be original, or an amendment

prisons to

Justices of Middlesex and Westminster

or revocation of a former rule, shall be enforced until it shall have been approved by one of her Majesty's principal secretaries of state.

One inspector to visit the prison from time to time, and give orders in cases of emergency. IX. AND be it enacted, that one of the said inspectors shall from time to time visit the Millbank Prison during the intervals between their meetings, and may make any order or give any direction, in cases of pressing emergency, within the said prison, which might be made or given by the said inspectors; provided that every such order or direction shall be in writing, and shall be reported, with the circumstances by which the same was occasioned, to the inspectors at their next meeting.

Inspectors to be a body corporate, with power to sue, &c. to make contracts, and to carry on manufacture in prison and sell goods. X. And be it enacted, that the said inspectors and their successors in office shall be a body corporate for the purposes of this Act, and shall sue and be sued by the name of "The Inspectors of the Millbank Prison," and shall have power in that capacity to make contracts with any persons whomsoever for the clothing, diet, and other necessaries required for the use of such prison, and for all repairs, alterations, and additions thereto, and for the implements and materials for any kind of manufacture or trade in which convicts confined in such prison shall be employed, and also to carry on such manufacture or trade in such prison, and to sell such goods, wares, and merchandize as shall there be wrought or manufactured.

Inspectors to report to the secretary of state.

XI. AND be it enacted, that the said inspectors shall, on or before the tenth day of March in each year, and oftener if required by one of her Majesty's principal secretaries of state, make reports in writing, under the hands of two or more of them, to the secretary of state, specifying the state of the buildings, the behaviour and conduct of the officers of the prison and of the convicts, and the expence of such prison, and such other matters relating to the discipline and management of such prison as they shall deem expedient, or as the secretary of state shall direct; and every such report shall be laid before both Houses of Parliament within one calendar month next after the receipt thereof if Parliament shall be then sitting, or if not, then within one calendar month after the then next meeting of Parliament.

Reports to be laid before Parliament.

> XII. AND be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state to direct the removal to the Millbank Prison of any convict under sentence or order of transportation, who, having been examined by an experienced medical officer, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol, prison, or place in which such offender shall be confined; and the sheriff or gaoler having the custody of any convict whose removal to the Millbank Prison shall be ordered in manner aforesaid shall, with all convenient speed after the receipt of any such order, convey or cause to be conveyed every such convict to the said prison, and, if upon examination by a medical officer of the Millbank Prison he or she shall appear fit to be received into the prison, shall there deliver him or her into the custody of the governor of the Millbank Prison, with a true copy, attested by such sheriff or gaoler, of the caption and order of the court by which such convict was sentenced, containing the sentence of every such convict by virtue of which he or she shall be in the custody of such sheriff or gaoler, and also a certificate specifying such particulars within the knowledge of the sheriff or gaoler concerning such convict as may be from time to time directed by one of her Majesty's principal secretaries of state; and the governor of the Millbank Prison shall give a receipt in writing for

Offenders under sentence of transportation may be removed to the Millbank l'rison.

every convict received into his custody to the sheriff or gaoler for his discharge; and all reasonable expences which the sheriff or gaoler shall incur in every such removal shall be paid by the county, riding, division, city, borough, liberty, or place for which the court in which the offender shall be convicted shall have been holden.

XIII. And be it enacted, that when any convict who shall be ordered to Convicts to be confined in the said prison shall be brought thither in pursuance of the powers contained in this Act, he or she shall continue in the custody of the officer before person in whose custody he or she shall have been brought to the prison until reception, and if certified to he or she shall have been examined by a medical officer of the said prison, and be unfit to be until it be certified by such medical officer that he or she is fit to be received be conveyed into the prison; and if the medical officer shall certify that he or she is not back to prison fit to be received there, he or she may be conveyed back, in the same custody, they came. to the prison or place of confinement from which he or she was brought.

XIV. AND be it enacted, that every convict in the custody of the governor Convicts of the Millbank Prison shall continue there until he or she shall be transported Millbank to according to law, or conditionally pardoned, or shall become entitled to his or remain there her freedom, or until the secretary of state shall direct the removal of such ported, or convict to any other prison or place of confinement in which he or she may be pardoned, or lawfully imprisoned: Provided always, that every such convict shall nevertheless be within the provisions of an Act passed in the fifth year of the reign of removed by King George the Fourth, intituled "An Act for the transportation of offenders tary of state, " from Great Britain," in case one of her Majesty's principal secretaries of state shall direct that he or she shall be afterwards removed from the Millbank 5 Geo. 4. c. 84. Prison, as herein provided.

XV. And be it enacted, that no convict in the custody of the governor of by secretary the Millbank Prison shall be dismissed from the said prison, at the end or other determination of his or her term, if he or she shall then labour under any convicts. acute or dangerous distemper unless at his or her request; and when such convict shall be finally discharged such decent clothing and such assistance in money or otherwise as shall be judged proper by one of her Majesty's principal secretaries of state shall be given to such convict.

XVI. AND be it enacted, that such convicts may be employed in work at Hours of the said prison every day in the year, except Sundays, Christmas Day, Good Friday, and any day appointed for a general fast or thanksgiving, so many hours, not exceeding twelve, exclusive of the time allowed for meals and exercise, as the inspectors shall order: Provided always, that the said inspectors, by a written order, may allow any convict, at his or her own request, to labour for a longer time than is required by the rules of the prison.

XVII. AND be it enacted, that no person, except the bishop of the diocese None but of London, the judges of her Majesty's superior courts of law at Westminster, privileged her Majesty's principal secretaries of state, and the inspectors, officers, and officers to servants of the prison, or such persons as shall be authorized according to the enter any of the apartments rules made by the said inspectors, shall be allowed at any time to enter any of the prison. part of the prison or airing yards allotted to or used by the prisoners, or to converse or hold communication of any kind with any of them.

XVIII. AND be it enacted, that the governor of the Millbank Prison, or Governor to other person having the custody of convicts under his direction, shall, during have the same power over the term for which such convicts shall be in his custody, have the same powers prisoners in

entitled to freedom, or subject to to be removed of state. Discharge of

his custody as a sheriff or gaoler.

Punishment of convicts for assaulting governor or other officers.

Convicts may be removed from the prison as incorrigible, and transported under their original sentence.

Insane convicts to be removed to lunatic asylums. over such convicts as are incident to the office of sheriff or gaoler, and in case of any abuse of such custody, or other misbehaviour or negligence in the discharge of his office, shall be liable to the same punishment to which a gaoler is liable by law.

XIX. And be it enacted, that if any convict in the Millbank Prison shall assault the governor or any officer or servant employed therein, the commissioners may order him or her to be prosecuted for the said offence, and upon conviction thereof such convict shall be liable to be imprisoned for any term not exceeding two years, in addition to the term for which at the time of committing such offence he or she was subject to be confined, and, if a male, shall also be liable to corporal punishment, if the court shall so order.

XX. AND be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state at any time to order any convict to be removed from the Millbank Prison as incorrigible; and in every such case the convict so removed shall be liable to be transported under his or her original sentence of transportation, to the full extent of the term specified in such sentence, and shall be liable to all the consequences of such sentence in the same manner as if no order for sending him or her to the Millbank Prison had been made.

XXI. And be it enacted, that if any convict in the said prison shall become or be found to be insane during such confinement upon the certificate of two physicians or surgeons, and shall be so reported by the inspectors to one of her Majesty's principal secretaries of state, it shall be lawful for such secretary of state, by warrant under his hand, to order that such insane convict shall be forthwith removed to such lunatic asylum as the said secretary of state may judge proper; and every convict so removed shall remain under confinement in such asylum, or in any other lunatic asylum to which such convict may be lawfully removed, until it shall be duly certified to one of her Majesty's principal secretaries of state by two physicians or surgeons that such convict has become of sound mind, whereupon, if the time for which such convict was sentenced to be imprisoned shall not have expired, the secretary of state shall be authorized to issue his warrant to the governor or other person having the care of such asylum, ordering that such convict be remanded to the Millbank Prison, or, if the period of imprisonment of such convict shall have expired, that he or she be discharged.

Punishment of convicts for breaking prison. XXII. AND be it enacted, that every convict in the Millbank Prison who at any time during the term of his or her imprisonment shall break prison, or who, while being conveyed to such prison, shall escape from the person or persons having the lawful custody of such convict, shall be punished by an addition not exceeding three years to the term of his or her imprisonment, and if afterwards convicted of a second escape or breach of prison shall be adjudged guilty of felony; and every convict in the Millbank Prison who at any time during the term of his imprisonment shall attempt to break prison, or who shall forcibly break out of his or her cell, or make any breach therein with intent to escape therefrom, shall be punished by an addition not exceeding twelve calendar months to the term of his or her imprisonment.

Punishment of persons rescuing or assisting or allowing the rescue or XXIII. And be it enacted, that every person who shall rescue any convict either during the time of his or her conveyance to or from the said prison or of his or her imprisonment therein, and also every person who shall aid in any such rescue, shall be guilty of felony; and every person having the custody of

any such convict as aforesaid, or being employed by the person having such escape of custody as a keeper, under-keeper, turnkey, assistant, or guard, who shall prisoners. knowingly and wilfully allow such convict to escape, and also every person who, by supplying arms, tools, or instruments of disguise, or otherwise, shall in any manner aid any such convict in any escape, though no escape be actually made, and every person who shall attempt to rescue any such convict or aid in . any such attempt, though no rescue be actually made, shall be guilty of felony; and every person having such custody as aforesaid who shall carelessly allow any such convict to escape shall be guilty of a misdemeanor, and being lawfully convicted of such misdemeanor shall be liable to fine or imprisonment, or to both, at the discretion of the court.

XXIV. AND be it enacted, that every officer or servant of the Millbank Punishing Prison who shall bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such convict, any convicts with money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever not allowed by the rules of the prison, shall be forthwith suspended from his or her office by the governor of the prison, who shall report the offence to the inspectors at their next meeting, and the inspectors shall inquire thereof upon cath, which they shall be empowered to administer, and upon proof of the offence shall dismiss such officer or servant, and may also, if they shall think fit, cause the offender to be apprehended and carried before a justice of the peace, who shall be empowered to hear and determine any such offence in a summary way; and every such officer or servant, upon conviction of such offence before a justice of the peace, shall be liable to pay a penalty not exceeding fifty pounds, or, in the discretion of the justice, to be imprisoned in the common gaol or house of correction, there to be kept, with or without hard labour, for any time not exceeding six calendar months.

officers, &c. for furnishing prohibited

XXV. And be it declared and enacted, that every person who upon Penalty for examination on oath or affirmation before the said inspectors shall wilfully false evidence. give false evidence shall be liable to the pains and penalties of perjury.

XXVI. AND be it enacted, that every convict or other person who shall Mode of trial commit any offence mentioned in this Act or in any way relating to the and conviction for offences Millbank Prison, for which he or she is not liable to be summarily convicted, not punishable may be tried before the justices of over and terminer either at the Central by summary Criminal Court or for the county in which the offender shall be taken; and in any case of any prosecution for any such offence either against a convict or against any other person or persons concerned therein or accessory thereunto, a copy, properly attested, of the order of commitment to such prison, with proof that the person then in question before the court is the same who was delivered with such order, and production of the register of the said prison, shall be sufficient evidence of all the facts entered in such register as to such convict, without the production of any record or conviction or other proof that such convict had been convicted of felony, and legally ordered to be imprisoned in the Millbank Prison.

XXVII. AND be it enacted, that an account of the expences of carrying this Expences of Act into execution shall be annually laid before both Houses of Parliament, Act. and shall be provided for by Parliament.

XXVIII. AND be it enacted, that the provisions of all Acts of Parliament Protection of now or which at any time hereafter shall be in force for rendering justices of governor.

the peace safe in the execution of their offices shall extend to the said inspectors and to the governor of the Millbank Prison.

Venue and limitation of actions. XXIX. And be it enacted, that all suits and prosecutions to be commenced by any person or persons for any thing done in pursuance of this Act shall be laid or tried in the county or place where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise.

CHAPTER XXX.

An Acr to amend the Law relating to Pound-breach and Rescue in certain Cases. [12th July 1843.]

TATHEREAS it frequently happens that cattle which are lawfully impounded, or which are lawfully seized for the purpose of being impounded, are rescued from the pound or place in which they are so impounded, or on the way to or from such pound or place, and the expence of prosecuting such offenders, or obtaining redress for the injury occasioned by such rescue to the persons so entitled to distrain, is usually out of proportion to the damage for which such cattle are distrained: And whereas it is expedient, for remedy thereof, to enable two or more of her Majesty's justices of the peace to try such offenders in a summary way, and award such redress as herein-after mentioned to the persons on whose behalf the cattle so rescued shall have been distrained: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in case any person or persons shall release or attempt to release any horse, ass, sheep, swine, or other beast or cattle, which shall be lawfully seized for the purpose of being impounded, in consequence of having been found wandering, straying, or lying or being depastured on any inclosed land without the consent of the owner or occupier of such inclosed land, from the pound or place where the same shall be so impounded, or on the way to or from any such pound or place, or shall pull down, damage, or destroy the same pound or place, or any part thereof, or any lock or bolt belonging thereto or with which the same shall be fastened, every person so offending shall, upon conviction thereof before any two of her Majesty's justices of the peace, forfeit and pay any sum not exceeding five pounds, together with reasonable charges and expences, or in default thereof be committed by such justices, by warrant under their hands and seals, to the house of correction of the county wherein the said offence shall have been committed, there to be kept to hard labour for any time not exceeding three calendar months nor less than fourteen days, unless such sum of money and costs as aforesaid shall be sooner paid; and it shall be lawful for the said justices to award the whole or any portion of such penalty to the person or persons on whose behalf such cattle were distrained.

Persons releasing or attempting to release camble impounded, or damaging any pound, &c. upon conviction before two justices, to forfeit 5L and expences, and in default of payment to be imprisoned.

Justices not to hear cares where questions of title II. Provided always, and be it enacted, that nothing herein contained shall authorize any justices of the peace to hear and determine any case of pound-breach or rescue in which any question shall arise as to the title to any lands,

tenements, or hereditaments, or any interest therein or accruing therefrom, or arise, or as to . . . , or any execution under the process of any ruptcy, &c. as to any bankruptcy court of justice, or as to the obligation of maintaining, repairing, or keeping in repair any wall, hedge, paling, ditch, sunk fence, or fence whatsoever.

III. AND be it enacted, that it shall and may be lawful to and for any justice of the peace, upon information or complaint being made upon oath before him by any person of any offence against the provisions of this Act, to summon the party accused to appear before any two justices of the peace within whose jurisdiction the offence shall have been committed, at a time and place to be named in such summons, and upon the appearance of such justices, shall party, or in his absence in case he shall not appear according to the tenor of such summons, any such justices before whom such party shall have been so casts. summoned to appear shall and may (upon proof of the service of such summons) proceed to examine into the matter, and upon due proof made of such having been committed, either by confession of the party accused or upon the oath of one or more credible witness or witnesses, to give judgment or convict for the penalty and costs (as the case may be).

Summonses against offenders, who, on proof on oath witnesses before two in penalty and

IV. And be it enacted, that every such justice of the peace may, without Offenders may issuing any summons, forthwith issue his warrant to any constable for the headed by apprehension of any person charged under this Act, whenever good grounds warrant of a for so doing to his satisfaction shall be stated on oath before him.

CHAPTER XXXII.

An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in Ireland. [12th July 1843.]

HEREAS by an Act passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," it was 3 & 4 Vict. enacted, that the boundaries of the several boroughs named in schedule (A.) c. 108. s. 20. to that Act annexed should, for the purposes of that Act, be taken to be according to the description of such boundaries set forth in schedule (C.) to that Act annexed; and by another Act passed in the same session of Parliament, intituled "An Act to annex certain parts of certain counties of 3 & 4 Vict. " cities to adjoining counties, to make further provision for compensation of " officers in boroughs, to limit the borough rate, and to continue for a limited " time an Act to restrain the alienation of corporate property, in Ireland," it was enacted, that, for the purposes of the said first-recited Act, and of that Act, all places locally situate or included within the boundaries of any of the boroughs of Cork, Dublin, Kilkenny, Limerick, Waterford, and Drogheda, as defined under the said first-recited Act, should, from and after the time when the said Act secondly above mentioned should come into operation, be deemed and taken to be part or parts of the county of the city or county of the town of such borough respectively, and of no other county; and every portion, place, or precinct of every county of a city or county of a town not under the said Acts included within any such borough should, until provision in that behalf should be otherwise made under and by virtue of the said last-

mentioned Act, be one barony in itself, and should, for all purposes of grand jury presentments and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of common law in Dublin, be part of the county at large

which was adjacent to it, or with which it had the largest common boundary: And whereas under the said recited Acts certain parts or portions of the old liberties of some of such counties of cities and counties of towns, and certain parts of parishes and other denominations thereof, are included within the boundaries of the counties of such cities or towns as defined under the provisions of the said recited Acts, and other parts or portions of the liberties of the same cities or towns, and of such parishes and other denominations thereof, not being within such boundaries, have, for the purposes of grand jury presentments, among others, become part of the adjoining counties: And whereas by an Act passed in the last session of Parliament, intituled "An Act " to enable grand juries at the ensuing summer and spring assizes to make " certain presentments in counties of cities and towns in Ireland, and to " remove doubts as to the jurisdiction of justices of the peace in places recently " annexed to counties at large in Ireland," it was enacted, that at every assizes to be holden for any such county of a city or county of a town in Ireland, as in the said Act mentioned, it should be lawful to and for the grand jury of such county of a city or town to present all and every such sum and sums as might be lawfully presented pursuant to any Act in force in Ireland relating to grand jury presentments previous to the said Acts coming into operation within each such county of a city or town respectively; provided that all and every such sum or sums when so presented, and all sums which might be or have been legally added thereto by the treasurer of such county of a city or county of a town if the said recited Acts had not passed, and all sums duly presented at the then last spring or summer assizes, and not theretofore levied, should be assessed, applotted, levied, and raised off such county of a city or town, as the same is defined under the said recited Acts, without reference to previously existing exemptions or compositions for any particular parish, district, or other denomination: And whereas an Act was passed in the session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to consolidate " and amend the laws relating to the presentment of public money by grand " juries in Ireland"; and by reason of the provisions contained in the said last-mentioned Act, and in the said several Acts herein-before recited, and also by reason of the conflict therewith of the provisions of certain local Acts in force within some of the counties of cities and counties of towns to which the provisions herein-before mentioned of the said several Acts are applicable, it has been found for the most part impracticable to proceed in the presentment, assessment, applotment, and levy of grand jury cess in counties of cities and counties of towns in Ireland: For remedy whereof, be it enacted by the

Queen's most excellent Majesty, by and with the advice and consent of the

lords spiritual and temporal, and commons, in this present Parliament

assembled, and by the authority of the same, that from and after the passing

of this Act all sums to be presented or which shall be re-presented by the

grand jury at any assizes in or for any county of a city or county of a town

in Ireland herein-before mentioned, except the county of the city of Dublin,

shall be apportioned, applotted, raised, and levied on and off all lands, houses

5 & 6 Vict. c. 77. s. 4.

Grand jury cess in counties of cities and towns in Ireland shall be applotted off all lands, &c. therein, without regard to parochial or other distinctions or

6 & 7 Will, 4. c. 116, nd tenements situate within such county of a city or county of a town, as divisions, efined under the said recited Acts of her present Majesty's reign, without according to the annual egard to parochial or other distinctions or divisions whatsoever, according to value of such ne net annual value of such lands, houses, and tenements respectively as now rated to the r from time to time hereafter last valued and rated under the Act or Acts poor rate. or the relief of the destitute poor in Ireland; rovided always, that no church, chapel, or other building exclusively dedicated Exemptions religious worship, or exclusively used for the education of the poor, nor any jury cess. urial ground or cemetery, nor any infirmary, hospital, charity school, or other uilding used exclusively for charitable purposes, nor any building, land, or ereditament dedicated to or used for public purposes, shall be rateable for ach grand jury cess, nor any dwelling house which shall be rated for the elief of the destitute poor at or under the annual value of five pounds: rovided also, that nothing herein contained shall extend or be construed to Nothing herein ter or affect the provisions made by an Act passed in the first and second 1 & 2 Vict. ears of her present Majesty's reign, intituled "An Act to amend the laws c. 51. relating to the levy of grand jury cess in the county of the city of Dublin," ut that all sums to be raised by grand jury presentment in the county of the ty of Dublin and within the police district of Dublin metropolis shall ontinue to be apportioned, applotted, and levied as by the said last-recited ct directed, any thing herein contained to the contrary notwithstanding.

III. And be it enacted, that in order to enable the respective treasurers of the said everal counties of cities and counties of towns, as herein-after directed, to applot such rand jury cess, it shall and may be lawful to and for the treasurer of each such county a city or town for the time being, and from time to time, and at all reasonable times, have access to and inspect any rate or rates made for the relief of the poor of every nion any part of which shall be situate within such county of a city or of a town, nd to cause copies to be made of such rate or rates, or so much thereof as shall relate such county of a city or of a town, or any part thereof; and such treasurer shall be lowed the expence of making such copies in his accounts with the grand jury of such ounty of a city or of a town. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Treasurers made for the relief of the

IV. AND be it enacted, that the treasurer of each county of a city or county Treasurer to f a town as aforesaid shall, within one month after he shall have received applot sums leviable under om the clerk of the crown the copies of the presentments made at the next presentments nd each succeeding assizes, applot upon all lands, houses, and tenements to the last rithin such county of a city or county of a town chargeable under this Act rate made ith grand jury cess the sums leviable under any presentments made at such Relief Act; ssizes, , and all sums which shall be re-presented, nd shall applot the same according to the net annual value of each such ouse, tenement, and portion of land as contained in the rate which shall have een then last made in that behalf for the relief of the destitute poor as aforeaid; and shall, within one week after such applotment shall have been made nuse to be published in some newspaper circulating in such county of a city r town, and cause to be posted at the usual places for posting grand jury otices in the same, a notice stating that such applotment has been made, and open for hat the same will remain, at a place to be specified in such notice, open for the inspection. respection of all occupiers of houses, lands, or tenements within such county of city or town, between the hours of eleven in the forenoon and four in the fternoon, for the space of fourteen days from the date of such notice; and he said treasurer shall keep the same at some convenient place to be so speci-

and to publish

Treasurer to allow applotment to be inspected.

Penalty for neglect. fied in such notice, and shall allow all such occupiers applying for that purpose to inspect the same at all reasonable times during the said space of fourteen days, and to take extracts therefrom, without fee or charge, and shall give copies or extracts of or from the said applotment to any person applying for the same, upon being paid for such copies or extracts at the rate of three-pence for every one hundred or any less number of names contained in each such copy or extract; and if such treasurer shall wilfully neglect or refuse to publish and post such notice, or to keep such applotment at such place and for such time as aforesaid, or to permit any such occupier to inspect such applotment or to make any extract therefrom, or to furnish such extract on the tender of such sum as aforesaid, he shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such offence such sum, not exceeding five pounds, as the justices shall think meet, to be levied, in default of payment, by warrant of distress off his goods and chattels.

Treasurer to issue his warrants to collector of grand jury cess.

Collectors to levy the cess according to warrants,

Provisions of the Act of 6 & 7 Will. 4. c. 116. to apply thereto.

Appeal against applotment.

V. And be it enacted, that with all convenient speed after making such applotment the treasurer of each such county of a city or town shall issue his warrant or warrants, directed to the person or several persons who under the provisions of the said Act of the sixth and seventh years of the reign of his late Majesty shall be collector or collectors for levying and collecting the sums to be raised for grand jury cess off such county of a city or town; and in every such warrant shall be specified the proportion of such grand jury cess which shall be so payable in respect of each house, tenement, or portion of land chargeable therewith, and for which the person to whom such warrant shall be directed shall be a collector, together with the name of the occupier or occupiers thereof, as such name or names shall appear upon the aforesaid rate for the relief of the destitute poor; and every person duly authorized to collect and levy such grand jury cess, as soon as he shall have received any such warrant, shall collect and levy the same according to such warrant, and by all the ways and means provided by the said Act of the sixth and seventh years of his late Majesty's reign for the collection or levy of grand jury cess; and all the provisions of the said last-mentioned Act with reference to the collection, levy, or recovery of grand jury cess shall apply to all sums so specified in such warrant or warrants, and all arrears thereof, as if the same were hereby specially reenacted, or as if such sums were applotted in pursuance of the said lastmentioned Act.

VI. AND be it enacted, that if any person shall find himself aggrieved by any applotment made under this Act, or shall object to any person being put in or left out of such applotment, or to the sum charged on any person therein, it shall be lawful for such person so aggrieved or objecting to appeal to the general sessions of the peace or adjournment thereof to be held for the same county of a city or of a town, or if there be none holden therein then to the general sessions of the peace to be held for any county at large next adjoining thereto, next after the date of such notice of applotment so to be published by such treasurer: Provided always, that no such appeal shall be made on the ground of any premises having been overvalued or undervalued in the rate and valuation made for the purposes of the said Acts for the relief of the poor in Ireland: Provided also, that if such sessions shall be held before the expiration of one calendar month next after the date of such notice then such appeal may be made to the next following sessions.

VII. AND be it enacted, that the recorder of the borough, or the assistant Recorder or barrister or justices of the county at the sessions to which such appeal shall be assistant barrister may brought, is and are hereby empowered to hear and finally determine the matter determine the of such appeal, and to make such order therein as to him or them shall seem appeal, and the meet, which order shall be final and conclusive upon all parties, and, in case of applotment, any appeal against any applotment as aforesaid, to order the name of any the same, and person interested or concerned in the event of such appeal, and having had order a new notice thereof as herein provided, to be inserted in such applotment, and to be applotted at such sum or sums of money, or to order the name of any such person to be struck out of such applotment, or the sum or sums at which any such person is applotted therein to be altered, as the recorder or assistant barrister or justices shall think right; and such recorder or assistant barrister, or some proper officer of the court, shall forthwith add to or alter the applotment accordingly; and it shall be lawful for such recorder or assistant barrister or justices to order that any warrant of such treasurer shall be amended, or that a new warrant shall be issued according to such directions as such recorder or assistant barrister or justices shall give in that behalf, and such warrant shall be amended or such new warrant shall be issued by such treasurer accordingly; and such amended or new warrant shall, as to all houses, tenements, and portions of land in respect of which the amount chargeable according to such amended or new warrant shall not have been then paid or levied, or so far as any sums therein mentioned, or any part thereof, shall be unpaid, have the force and effect of any original warrant issued under this Act as aforesaid: Provided always, that the said recorder or assistant barrister or justices to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to any other person or persons. matter or matters, than shall be mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any applotment it shall be found necessary to quash or set aside the same, then the said recorder or assistant barrister or justices shall quash the same, and shall in that case order the treasurer to make a new applotment, and such treasurer is hereby required to make the same, and to issue new warrants accordingly.

or may quash applotment.

. VIII. And be it enacted, that if upon the hearing of any appeal from any If applotment applotment made under this Act the said recorder or assistant barrister or be decreased, the amount justices shall order the name of any person to be struck out of such applotment, overpaid to be or the sum or sums applotted on any person to be decreased or lowered, and if returned. it shall be made appear to the said recorder or assistant barrister or justices that such person hath, previously to the hearing of such appeal, paid any sum or sums of money in consequence of such applotment with which he ought not to have been charged, then and in every such case the said recorder or assistant barrister or justices shall order all and every such sum and sums of money to be repaid by the said treasurer, together with all reasonable costs. charges, and expences occasioned by such person having been required to pay the same; and the amount so to be repaid by such treasurer shall be allowed him in his account with the grand jury of the county of the city or town, as the case may be.

IX. And be it enacted, that the person so appealing shall give or cause to Fourteen days be given at least fourteen days notice in writing of his, her, or their intention appeal to be

given to treasurer and parties interested. of appealing as aforesaid, and of the matter or cause thereof, to the treasurer of the county of the city or of the town for the time being; and if any person shall appeal against any applotment because any other person is applotted or omitted to be applotted therein, or because any other person is rated therein at any greater or less sum than his, her, or their due proportion of such grand jury cess, or for any other cause that shall require any alteration to be made in such applotment with respect to any other person, then and in every such case the person so appealing shall give such notice of appeal as aforesaid, not only to the treasurer, but also to every other person so interested or concerned in the event of such appeal; and every such other person shall, if he shall desire, be heard upon such appeal.

Cess to be paid and levied as if no appeal made until warrant is quashed or altered.

Recognizance to be entered into on appeal.

Justices may award costs on appeal.

Their decision to be final,

Treasurer to collect cess, if there be no collector duly appointed, by himself or assistants.

Poundage.

The council of the borough of Cork may order a part of the borough not within the local Act for lighting, paving, cleansing, and improving the borough to be included in such Act. X. Provided always, and be it enacted, that, notwithstanding any such appeal or notice thereof, every sum specified in such warrant shall be payable, and shall and may be levied, sued for, and recovered, as if no appeal had been made, until or unless such warrant shall be quashed or amended,

XI. AND be it enacted, that within five days after notice shall be given of appeal the appellant shall enter into a recognizance before some justice of the peace having jurisdiction in the county of the city or of the town, with sufficient securities, conditioned to prosecute such appeal at the proper sessions of the peace in that behalf, and to abide the order of and pay such costs as shall be awarded by the recorder or assistant barrister or justices at such sessions.

XII. And be it enacted, that such recorder, assistant barrister, or justices, upon hearing and finally determining the matter of any appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

XIII. AND be it enacted, that if at any time there shall be no person duly appointed a collector of grand jury cess in any county of a city or county of a town pursuant to the laws now in force, it shall be lawful for the treasurer of such county of a city or county of a town, and he is hereby required, to collect such cess; and it shall be lawful for him to appoint, by writing under his hand and seal, one or more persons, for whom he shall be answerable, to assist him therein, and he or they shall be entitled to such poundage as the grand jury may think fit, not exceeding ninepence in the pound.

XIV. And whereas part of the county of the city of Cork, as bounded under the provisions of the herein-before recited Acts of her present Majesty's reign, is within the provisions of a local Act made for lighting, paving, cleansing, and improving thereof, and other part is not within the provisions of such local Act, but is nevertheless under the said recited Act passed in the last session of Parliament liable to contribute to the payment of the money to be raised for lighting, paving, cleansing, and improving the portion of such county within the provisions of such local Act: Be it therefore enacted, that it shall be lawful for the council of the said borough of Cork to make an order that the part of such borough not within the provisions of such local Act shall, from and after a certain day to be named in such order, be taken to be within the provisions of such local Act for lighting, paving, cleansing, and improving such borough; and after such day such part as aforesaid shall be within the provisions of such Act, as fully as if such part had been originally named in such Act, any thing

in such Act contained to the contrary notwithstanding: Provided always, that Limit of the additional rates to be raised off such county of the city of Cork for the rate for lightpurpose of defraying the expences of lighting such part shall not exceed the ing. average expence per lamp of lighting the other parts of the county of the city of Cork; and that the additional rate to be raised off the said county of the Limit of city of Cork for paving, cleansing, and improving the part so to be included amount of rate for other shall not exceed the rate per square yard of highway now chargeable under purposes. the said Act within the part of such county now within the provisions of the said Act: Provided also, that all such sums as by the provisions of the said Act sums levied the treasurer of the said county of the city of Cork is authorized and required under order of to add, under the order of the commissioners for carrying into effect the pur- under local poses of the said local Act, to his warrant for levying the sums presented to be Act to be taken as duly preraised by the grand jury at each assizes off the county of the said city, and sented by which are by the said Act directed to be levied in like manner as the money so presented, shall, for all the purposes of this Act, be deemed and taken to be monies duly presented by the grand jury.

grand jury.

XIX. And whereas divers sums of money have been advanced from time to time from her Majesty's Exchequer, by the direction or authority of the commissioners of her Majesty's Treasury, or of the lord lieutenant or other chief governor or governors of Ireland, for public purposes of the county of the city of Dublin, and the repayment thereof has been unduly delayed by reason of the preference given to local claims over those of her Majesty's Exchequer: Be it therefore enacted, that in all cases where any presentment Presentment has been or shall hereafter be made, by the grand jury of the county of the for repayment of sums due to Dublin, of any sum or sums of money for the purpose of repaying any the Exchequer ce of money made as aforesaid to such counties respectively, such sum priority ov Presented or hereafter to be presented shall to all intents and purposes other claims That soever be a charge upon all money, rates, or cesses levied or collected on county the purposes of the said county of the city of Dublin, in priority and preference to any other lien, claim, charge, or demand whatsoever upon the same or any part thereof; and the amount of any such sum so presented as afore-

shall direct: Provided always, that each half-yearly sum, instalment, or proportion of any sum so presented or to be presented shall have the same priority and preference, and shall be paid in the same manner, as is herein-before directed with respect to the entire of such amount of money so presented for the repayment of advance. XX. AND be it enacted, that if in any case the treasurer of the county of Penalty on the city of Dublin for the time being shall neglect or refuse to pay any sum treasurer neglecting to or sums of money presented for the repayment of advances made as aforesaid, give priority to

said for the purpose of repaying such advance as aforesaid shall be paid by the treasurer of the said county of the city of Dublin out of such public money, rates, and cesses as shall be by him received (so far, as the same shall extend), when and so soon as the same shall come to his hands, in priority and preference to any other lien, charge, demand, or claim upon the same whatsoever; and such treasurer shall pay over the said amount in such manner and to such bank or person as the commissioners of her Majesty's Treasury

or any half-yearly sums or instalments of such sum or sums presented as aforesaid, in priority and preference to any other lien, charge, demand, or claim the Exchequer. whatsoever upon the money in his hands, such treasurer shall for each such neglect or refusal forfeit the sum of one hundred pounds, with full costs of suit, to any person who shall sue for the same, by action of debt or on the case, in any of her Majesty's courts of record at Dublin.

Interpretation of Act.

XXVI. And be it enacted, that in the construction of this Act every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender shall be applied to a female as well as a male, unless there be something in the subject or context repugnant to such construction respectively.

CHAPTER XXXIV.

An Acr for the better Apprehension of certain Offenders. [28th July 1843.]

THEREAS it is expedient to make more effectual provision for the apprehension and trial of offenders against the laws who may be in other parts of her Majesty's dominions than those in which their offences were committed: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, if any person charged with having committed any offence such as is herein-after mentioned against the laws of any part of her Majesty's dominions not being part of the United Kingdom of Great Britain and Ireland, and against whom a warrant shall have been issued for such offence by any person having lawful authority to issue the same within that part of her Majesty's dominions where such offence shall have been committed, shall be in any place within the said United Kingdom, it shall be lawful, in Great Britain for one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant of Ireland, to endorse his name on such warrant, which warrant so endorsed shall be a sufficient authority to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed, and also to all constables and other peace officers in that part of the United Kingdom where the said warrant shall be so endorsed, to execute the said warrant, by apprehending the person against whom such warrant is directed, and to convey the said person before a justice of the peace for the county or other jurisdiction in which the supposed offender shall be apprehended, or in Scotland either before such justice of the peace or before the sheriff depute or substitute.

Persons charged with offences in the colonies and escaping into the United Kingdom may be there apprehended,

II. AND to remedy the like failure of justice by the escape of persons charged with having committed offences into those parts of her Majesty's dominions which do not form part of the said United Kingdom, be it enacted, that from and after the passing of this Act, if any person charged with having committed any offence such as is herein-after mentioned in any part of her Majesty's dominions, whether or not within the said United Kingdom, and against whom a warrant shall be issued by any person or persons having lawful authority to issue the same, shall be in any other part of her Majesty's

Apprehension of persons charged with offences in any part of her Majesty's dominions and escaping to any colony.

dominions not forming part of the said United Kingdom, it shall be lawful for the chief justice or any other judge of her Majesty's superior court of law within that other part of her Majesty's dominions where such person shall be to endorse his name on such warrant, which warrant so endorsed shall be a sufficient authority to the person or persons bringing such warrant, and also to all persons to whom such warrant was originally directed, and also to all peace officers of the place where the warrant shall be so endorsed, to execute the same within the jurisdiction of the person by whom it shall be so endorsed, by apprehending the person against whom such warrant is directed, and to convey him before a magistrate or other person having authority to examine and commit offenders for trial in that part of her Majesty's dominions,

III. And be it enacted, that it shall be lawful for any person duly authorized Persons to examine and commit offenders for trial before whom any such supposed be committed offender shall be brought as aforesaid, upon such evidence of criminality as would justify his committal if the offence had been committed in that part of back to the her Majesty's dominions, to commit such supposed offender to prison, there to place where the offence remain until he can be sent back, in manner herein-after mentioned, to that is charged part of her Majesty's dominions in which he is charged with having committed to have been such offence; and immediately upon the committal of such person information thereof in writing under the hand of the committing magistrate, accompanied committed to by a copy of the said warrant, shall be given, in Great Britain to one of her be sent to such Majesty's principal secretaries of state, and in Ireland to the chief secretary. of the lord lieutenant, and in any other part of her Majesty's dominions to the governor or acting governor.

IV. Provided always, and be it enacted, that in every such case copies of Copies of the depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the original oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

was granted may be given in evidence.

Persons apprehended to be sent to the place where the offence is committed;

V. AND be it enacted, that it shall be lawful, in Great Britain for any one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant, and in any other part of her Majesty's dominions for the governor or acting governor, by warrant under his hand and seal, to order any person who shall have been so apprehended and committed to gaol to be delivered into the custody of some person or persons, to have been be named in the said warrant, for the purpose of being conveyed into that part of her Majesty's dominions in which he is charged with having committed the offence, and being delivered into the custody of the proper authorities there, to be dealt with in due course of law as if he had been there apprehended, and to order that the person so committed to gaol be so conveyed accordingly; and if the said person, after he shall have been so apprehended, shall escape and in case of out of any custody to which he shall have been committed as aforesaid, it escape may be retaken. shall be lawful to retake such person, in the same manner as any person accused of any crime against the laws of that part of her Majesty's dominions may be retaken upon an escape.

VI. And be it enacted, that where any person who shall have been com- Persons mitted to gaol under this Act shall not be conveyed out of that part of her if not so sent Majesty's dominions in which he shall have been so committed to gaol within within two two calendar months after such committal, over and above the time actually committal,

may apply to be discharged. required to convey the prisoner from the gaol to which he was committed by the readiest way out of that part of her Majesty's dominions, it shall be lawful for any of her Majesty's judges in that part of her Majesty's dominions in which such supposed offender shall be in custody, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to one of her Majesty's principal secretaries of state in Great Britain, or in Ireland to the chief secretary of the lord lieutenant of Ireland, or to the governor or acting governor in any other part of her Majesty's dominions, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such judge or judges why such discharge ought not to be ordered.

Persons apprehended if not indicted within six months after arrival at place where offence is charged to have been committed, or if not convicted, may be sent back to place where apprehended.

VII. AND be it enacted, that in case any person apprehended under this Act shall not be indicted for the offence for which he shall have been so apprehended within the period of six calendar months after his arrival in that part of her Majesty's dominions in which he is charged to have committed the offence, or if upon his trial he shall be acquitted, it shall be lawful, in Great Britain for one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant of Ireland, and for the governor or acting governor in any other part of her Majesty's dominions, if he shall think fit, upon the request of the person so apprehended, to cause such person to be sent back, free of cost to such person, and with as little delay as possible, to that part of her Majesty's dominions in which he shall have been so apprehended.

Repayment of expence of apprehension of offenders in colonies and removal to the United Kingdom.

VIII. AND be it enacted, that the court before which any person apprehended under this Act shall be prosecuted or tried within the said United Kingdom may order, if it shall think fit, that the expences of apprehending and removing the prisoner from any part of her Majesty's dominions not within the said United Kingdom to any place within the said United Kingdom shall be repaid to the person defraying the same, by the treasurer of the county or other jurisdiction in England or Ireland, or by the sheriff depute or substitute of the county in Scotland, in which the offence is charged to have been committed, the amount of such expences being previously ascertained by an account thereof, verified by production of proper vouchers before two justices of the peace of such county or other jurisdiction, which last-mentioned justices shall examine into the correctness of the said account, and shall allow the same, or such part thereof as shall to them appear just and reasonable, under their hands and seals; and every treasurer, or sheriff depute or substitute, who shall pay the amount so ascertained, shall be allowed such payment in his accounts respecting the business of such county or other jurisdiction.

Warrant not to be endorsed without proof of the seal or signature of the person issuing the original warrant.

except in

warrant. such warrant w
Warrant not
to be endorsed,

IX. Provided always, and be it enacted, that it shall not be lawful for any person to endorse his name on any such warrant, for the purpose of authorizing the apprehension of any person under this Act, until it shall have been proved to him, upon oath or by affidavit, that the seal or signature upon the same is the seal or signature of the person having lawful authority to issue such warrant whose seal or signature the same purports to be.

X. Provided also, and be it enacted, that it shall not be lawful for any person to endorse his name upon any such warrant, for the purpose of autho-

rizing the apprehension of any person under this Act, unless it shall appear cases of upon the face of the said warrant that the offence which the person for whose felony, &c. apprehension the said warrant has been issued is charged to have committed is such that, if committed within that part of her Majesty's dominions where the warrant is so endorsed, it would have amounted in law to a treason, or , or unless the depositions appear sufficient to warrant the committal of such person for trial.

CHAPTER XXXVI.

An Acr to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.

[28th July 1843.]

HEREAS it is expedient that societies established exclusively for purposes of science, literature, or the fine arts should be exempt from the charge of county, borough, parochial, and other local rates in respect of land and buildings occupied by them for the transaction of their business, and for carrying into effect their purposes: Be it therefore enacted by the Queen's Scientific, &c. most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, voluntary and by the authority of the same, that from and after the first day of October contributions one thousand eight hundred and forty-three no person or persons shall be no profits, assessed or rated, or liable to be assessed or rated, or liable to pay, to any county, borough, parochial, or other local rates or cesses, in respect of any land, houses, or buildings, or parts of houses or buildings, belonging to any berein-after society instituted for purposes of science, literature, or the fine arts exclusively, either as tenant or as owner, and occupied by it for the transaction of its business, and for carrying into effect its purposes, provided that such society shall be supported wholly or in part by annual voluntary contributions, and shall not, and by its laws may not, make any dividend, gift, division, or bonus in money unto or between any of its members, and provided also that such society shall obtain the certificate of the barrister at law or lord advocate, as herein-after mentioned.

supported by exempted from rates upon obtaining the certificate mentioned.

II. PROVIDED always, and be it enacted, that before any society shall be Such societies entitled to the benefit of this Act such society shall cause three copies of all copies of their laws, rules, and regulations for the management thereof, signed by the presi-rules of dent or other chief officer and three members of the council or committee of to be submanagement, and countersigned by the clerk or secretary of such society, to mitted to the be submitted, in England, Wales, and Berwick-upon-Tweed to the barrister at law for the time being appointed to certify the rules of friendly societies pointed to there, and in Scotland to the lord advocate, or any depute appointed by him rules of to certify the rules of friendly societies there, and in Ireland to the barrister friendly societies there, and in Ireland to the barrister for the time being appointed to certify the rules of friendly societies there, for certify thereon the purpose of ascertaining whether such society is entitled to the benefit of this Act; and such barrister or lord advocate, as the case may be, shall give exemption, or a certificate on each of the said copies that the society so applying is entitled for withto the benefit of this Act, or shall state in writing the grounds on which such holding his certificate is withheld; and one of such copies, when certified by such barrister

management person apcertify the ties, who shall that society is One certified copy to be returned to the society; one to be retained by the barrister; and the third transmitted to the cierk of the peace, for confirmation at sessions, and to be deposited.

Certain alterations made in the rules to be certified and deposited in like manner.

In case of refusal to certify, society to cease to be entitled to exemption, subject to appeal.

Fee to barrister, &c. to be paid, with expense of transmission of rules, by society.

Reference to quarter sessions where certificate is refused.

Appeal to quarter sessions by any person assessed to any; rate from which any society is exempted against decision of barrister, &c. granting certificate. or lord advocate, shall be returned to the society, another copy shall be retained by such barrister or lord advocate, and the other of such copies shall be transmitted by such barrister or lord advocate to the clerk of the peace for the borough or county where the land or buildings of such society in respect of which such exemption is claimed shall be situated, and shall by him be laid before the recorder or justices for such borough or county at the general quarter sessions, or adjournment thereof, held next after the time when such copy shall have been so certified and transmitted to him as aforesaid, and the recorder or justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such copy shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward.

III. AND be it enacted, that if the laws, rules, and regulations of any such society shall be altered, so as to affect or relate to the property or constitution of such society, such alterations shall, within one calendar month after the same shall have been made, be submitted to such barrister or lord advocate, and such barrister or lord advocate shall certify as aforesaid; and such rules, when so certified, shall be filed with the clerk of the peace as aforesaid; and in the meantime such society shall be entitled to the benefit of this Act, as if no such alterations had been made: Provided always, that if the said barrister or lord advocate shall refuse to certify, that then, subject to such appeal as is herein-after provided, the said society shall cease to be entitled to the benefit of this Act from the time when such alterations shall come into operation.

IV. PROVIDED always, and be it enacted, that the fee payable to such barrister or lord advocate for perusing the laws, rules, and regulations of each society, or the alterations made therein, and giving such certificate or statement as aforesaid, shall not at any one time exceed the sum of one guines, which, together with the expence of transmitting the rules to and from the said barrister or lord advocate, shall be defrayed by each society respectively.

V. Provided always, and be it enacted, that in case any such barrister or lord advocate shall refuse to certify that any such society is entitled to the benefit of this Act, it shall then be lawful for any such society to submit the laws, rules, and regulations thereof to the court of quarter sessions for the borough or county where the land or buildings of the society shall be situated, together with the reasons so assigned by the said barrister or lord advocate as aforesaid; and the recorder or justices at such quarter sessions shall and may, if he or they think fit, order the same rules to be filed, notwithstanding such refusal as aforesaid; and such filing shall have the same effect as if the said barrister or lord advocate had certified as aforesaid.

VI. Provided also, and be it enacted, that any person or persons assessed to any rate from which any society shall be exempted by this Act may appeal from the decision of the said barrister or lord advocate in granting such certificate as aforesaid to the said court of quarter sessions, within four calendar months next after the first assessment of such rate made after such certificate shall have been filed as aforesaid, or within four calendar months next after the first assessment of such rate made after such exemption shall have been claimed by such society, such appellant first giving to the clerk or secretary of the society in question, twenty-one days previously to the sitting of the said court, notice in writing of his intention to bring such appeal, together with a state-

ment in writing of the grounds thereof, and within four days after such notice entering into a recognizance before some justice, with two sufficient sureties, to try such appeal at and abide the order of and pay such costs as shall be awarded by the recorder or justices at such quarter sessions; and at such quarter sessions such recorder or justices shall, on its being proved that such notice and statement have been given as aforesaid, proceed to hear such appeal, according to the grounds set forth in such statement, and not otherwise, and, if the certificate of the said barrister or lord advocate shall appear to him or them to have been granted contrary to the provisions of this Act, shall and may annul the same, and shall and may, according to their discretion, award such costs to the party appealing or appealed against as he or they shall think proper, and his or their determination concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

CHAPTER XXXVII.

An AcT to make better Provision for the Spiritual Care of populous Parishes. [28th July 1843.]

HEREAS it is expedient to make better provision for the spiritual care of populous parishes, and to render the estates and revenues vested in the ecclesiastical commissioners for England, and the funds at the disposal of the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, applicable immediately to such purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and Queen Anne's with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said ecclesiastical commissioners for England may, upon the conditions herein-after mentioned, forthwith borrow, and the said governors of the bounty of Queen Anne, together with the Most Reverend William Howley Lord Archbishop of Canterbury, may, upon the security herein-after mentioned, forthwith lend and transfer to the said commissioners, the capital sum of six hundred thousand pounds three pounds per centum reduced Bank annuities, part of a certain sum of such stock now standing in the names of the said governors and of the said archbishop in the books of the governor and company of the Bank of England.

bounty board may lend ecclesiastical for England a sum of 600,000l. stock.

II. AND be it enacted, that at any time and from time to time the said com- Bounty board missioners may borrow, and the said governors and the archbishop of Canter-further sums bury for the time being may, if they shall think fit, lend and transfer to the of stock. said commissioners, in like manner, and upon the like security and conditions, any further capital sum or sums of stock, being part of the stock so standing as aforesaid.

III. And be it enacted, that the said commissioners shall, upon the transfer Commissioners of any such stock as aforesaid into their names in the books of the said to pay to governor and company, accept the same in such books, and shall pay or cause sum equal to to be paid to the said governors, by half-yearly payments on the tenth day of dividends half yearly. April and the fourteenth day of October in every year, a sum equal in amount to the amount of the dividends which such stock, or so much thereof as shall on such days respectively remain unreplaced, would produce; and that it shall

Commissioners may replace stock or any part thereof. The whole property of the commissioners under the Acts 8 & 4 Vict. c. 113. 4 & 5 Vict. e. 89. and this Act to be security for every such loan.

be lawful for the said commissioners at any time to replace the whole or any part of any such sum of stock.

IV. And be it enacted, that all the monies from time to time accruing to the said commissioners by reason of the suspension of canonries by or under the provisions of an Act passed in the session of Parliament held in the third and fourth years of the reign of her present Majesty, intituled "An Act to carry into " effect, with certain modifications, the fourth report of the commissioners of " ecclesiastical duties and revenues," and of an Act passed in the session of Parliament held in the fourth and fifth years of the reign of her present Majesty, intituled "An Act to explain and amend two several Acts relating to the " ecclesiastical commissioners for England," and all the lands, tithes, rent-charges, tenements, and other hereditaments vested or to be vested in them under the provisions of the same Acts or of this Act, and the rents and profits thereof, shall be and the same are hereby charged and made chargeable with all such half-yearly payments as aforesaid, and also with the repayment and replacing of the whole capital stock so to be lent and transferred to them, if any such half-yearly payment, or any part thereof, shall remain unpaid for twenty days next after either of the days upon which the same shall have become due and payable as aforesaid; and that upon any such default as last mentioned the said governors shall, by virtue of this Act, and upon proof of such default, have the same and the like remedies at law against the said ecclesiastical commissioners for England, and upon and over all the monies, lands, tithes, rentcharges, tenements, and other hereditaments in their possession or power under the provisions of the said recited Acts, for the recovery of such capital stock, or so much thereof as shall then remain unreplaced, together with all arrears of half-yearly payments due thereon as aforesaid, as if the said commissioners had duly executed a deed under their common seal, covenanting for repayment to the said governors of such stock and for making such half-yearly payment on the day when such default shall have become complete as aforesaid; and that such transfer and acceptance as aforesaid shall be sufficient evidence of such covenant.

Bounty board may require repayment of capital after thirty years. V. Provided also, and be it enacted, that it shall be lawful for the said governors, if they shall see fit, at or after the expiration of thirty years from the date of the lending and transferring of the said sum, and at or after the expiration of a like number of years from and after the lending and transferring of any further sum of such stock as aforesaid, to give notice to the said commissioners, in writing under their corporate seal, requiring them to replace, in the names of the said governors and of the lord archbishop of Canterbury for the time being, the whole of such sums of stock respectively, or such part thereof respectively as shall at the date of such notice remain unreplaced, and the said commissioners shall proceed to replace the same accordingly, by yearly instalments, amounting at the least to one twelfth part of such sums of stock respectively, or of such remaining part thereof as aforesaid, and upon default of their duly replacing any such instalment the said governors shall have the like remedies for recovering the same as for any default in making any such half-yearly payment as aforesaid.

Commissioners, not withstanding the charge created by VI. And be it enacted, that notwithstanding the charge by this Act created all the same and the like rights and powers of ownership as are possessed and enjoyed respecting and over any lands, tithes, rent-charges,

tenements, or other hereditaments whatsoever by any absolute owner thereof this Act, shall be enjoyed by the said commissioners with respect to and over all or any rights of lands, tithes, rent-charges, tenements, and other hereditaments vested and ownership liable to be vested in them by or under the provisions of the said recited Acts, &c. vested in and may, subject to the provisions of the same Acts and of this Act, be them, subject exercised by them, by proper instruments in writing duly executed according conditions. to law, but in the case of any such lands, tithes, rent-charges, and other hereditaments not actually in their possession, with the consent of the respective holders thereof, testified by their being made parties to such instruments; and that the consent of the said governors shall not be in any case required to the exercise by the said commissioners of any such rights and powers as aforesaid, notwithstanding such charge: Provided always, that every sum of money Investment of received as the consideration or purchase money for the sale, transfer, or conveyance by the said commissioners of any of such lands, tithes, tenements, or received for other hereditaments, or of any estate or interest therein, and also every sum of money received by them as the foregift or fine for the granting or renewing of any lease, shall, unless it be deemed expedient by the said commissioners to apply any such sum or any part thereof in replacing any stock so lent and transferred as aforesaid, which they are hereby empowered to do, be applied by them, so soon as conveniently may be after the receipt thereof, in the purchase of lands, tithes, rent-charges, tenements, or other hereditaments, or of some estate or interest therein, and shall in the meantime be invested in some government or parliamentary stock or other public securities in England, the said commissioners being at liberty to apply the interest and dividends of such stock or securities, and the rents and profits of such lands, rent-charges, tithes, tenements, and other hereditaments, to the purposes of the said recited Acts or of this Act.

VII. AND be it enacted, that the said commissioners shall, for the purposes Commissioners and subject to the provisions of the said recited Acts and of this Act, have full to have full power and right of property over all the stock so lent and transferred to them stock. by the said governors as aforesaid.

VIII. PROVIDED always, and be it enacted, that no part of the capital of Stock not to such stock shall be applied to such purposes as aforesaid, nor shall any such be used, no lands sold, lands, tithes, tenements, or other hereditaments as aforesaid be sold, transferred, without a or conveyed, except by the authority in the said recited Acts provided; (that is to say,) by a scheme prepared by the said commissioners, and an order issued Majesty in by her Majesty in council ratifying such scheme.

scheme approved by her

IX. And whereas there are divers parishes, chapelries, and districts of great extent, and containing a large population, wherein or in parts whereof the provision for public worship and for pastoral superintendence is insufficient for the spiritual wants of the inhabitants thereof: Be it therefore enacted, that if at any time it shall be made to appear to the said ecclesiastical commissioners for England that it would promote the interests of religion that for spiritual any part or parts of any such parish or parishes, chapelry or chapelries, district or districts, or any extra-parochial place or places, or any part or parts thereof, should be constituted a separate district for spiritual purposes, it shall be lawful, by the authority aforesaid, with the consent of the bishop of the diocese under his hand and seal, to set out by meter and bounds and constitute a separate district accordingly, such district not then containing within its

be constituted purposes;

Draft scheme to be submitted to incumbent and patron of church of parish, &c. out of which any district is to be taken.

Ministers of such districts to be endowed to a certain amount at the least.

Map of district to be annexed to scheme, and a copy registered, with order in council ratifying the scheme.

Minister to be nominated and licensed to district;

and to have the cure of souls therein.

Proviso as to burials and marriages.

Style and character of minister;

limits any consecrated church or chapel in use for the purposes of divine worship, and to fix and declare the name of such district: Provided always, that the draft of any scheme for constituting any such district proposed to be laid before her Majesty in council by the said commissioners shall be delivered or transmitted to the incumbent and to the patron or patrons of the church or chapel of any parish, chapelry, or district out of which it is recommended that any such district or any part thereof should be taken, in order that such incumbent, patron or patrons, may have an opportunity of offering or making to the said commissioners or to such bishop any observations or objections upon or to the constituting of such district; and that such scheme shall not be laid before her Majesty in council until after the expiration of one calendar month next after such copy shall have been so delivered or transmitted, unless such incumbent and patron or patrons shall in the meantime consent to the same: Provided also, that in every scheme for constituting any such district the said commissioners shall recommend to her Majesty in council that the minister of such district, when duly licensed as herein-after mentioned, shall be permanently endowed, under the provisions herein-after contained, to an amount of not less than the annual value of one hundred pounds; and also, if such endowment be of less than the annual value of one hundred and fifty pounds, that the same shall be increased under the like provisions to such lastmentioned amount, at the least, so soon as such district shall have become a new parish as herein-after provided.

X. And be it enacted, that a map or plan setting forth and describing such metes and bounds shall be annexed to the scheme for constituting such district, and transmitted therewith to her Majesty in council, and a copy thereof shall be registered by the registrar of the diocese, together with any order issued by her Majesty in council for ratifying such scheme: Provided always, that it shall not be necessary to publish any such map or plan in the London Gazette.

XI. AND be it enacted, that upon any such district being so constituted a minister may and shall be nominated thereto in manner herein-after provided, and may thereupon be licensed thereto by the bishop, and shall have power to perform and shall perform within such district all such pastoral duties appertaining to the office of a minister according to the rites and usages of the United Church of England and Ireland as shall be specified and set forth in his licence, and, when a building shall be licensed within such district for divine worship in manner herein-after provided, shall also perform such services and offices as shall be specified and set forth in the same or any further licence granted in that behalf by the bishop of the diocese; and such minister shall perform such pastoral duties, services, and offices respectively, independently of the incumbent or minister of the church of any parish, chapelry, or district out of which such new district or any part thereof shall have been taken, and shall, so far as the performance of the same may be authorized by such licence or licences, have the cure of souls in and over such new district: Provided always, that no burials shall be performed in such licensed building, and that nothing in this Act contained shall empower such bishop to include in any such licence the solemnization of marriages.

XII. AND be it enacted, that such minister shall be styled "the minister of "the district of ," according to the name thereof so fixed as aforesaid,

and shall be in all respects subject to the jurisdiction of the bishop and archdeacon within whose diocese and archdeaconry such district shall be situate, and shall only be removeable from his office of such minister for the like reasons and in the same manner as any perpetual curate is now by law removeable; and such minister shall be a body politic and corporate, and shall have per-Minister to petual succession, as well by the name and in the character aforesaid, as by the name and in the character of perpetual curate herein-after mentioned and provided, as the case may be; and such minister and perpetual curate respectively ments. may, in such name and character respectively, notwithstanding the statutes of mortmain, receive and take, to him and his successors, as well every grant of endowment or augmentation made or granted by the authority aforesaid, as also any real or personal estate or effects whatsoever which any person or persons or body corporate may give or grant to him according to law.

with power to

XIII. And be it declared and enacted, that it shall be lawful for the bishop Bishop may of the diocese, at any time after the constituting of any such district as aforesaid, to license any building within such district which he may consider to be fit and proper for such purpose for the performance of divine service by such minister according to the rites and usages of such United Church; and such minister may for any churchings performed under any such licence receive such fees as shall be fixed and determined in manner herein-after provided; and all laws now in force relating to the registration of baptisms shall apply to all baptisms performed under any such licence.

in district.

Churchings and baptisms.

XIV. PROVIDED always, and be it enacted, that, until a church or chapel Until church shall have been built or acquired within such district, and shall have been consecrated approved and consecrated as herein-after provided, nothing herein contained nothing herein shall prejudice or affect the right of any incumbent of any other church or chapel, who before the constituting of such district possessed the entire cure of burials in souls within the same or any part thereof, to publish any banns, solemnize any or affect marriages, or perform any burials in his own church or chapel which he could certain other have published, solemnized, or performed therein, or to receive any fees, dues, or emoluments (except the fees herein-before authorized to be received by the minister of such district) which as such incumbent he could have received if such district had not been constituted, nor any right to attend divine service in any other church or chapel which any inhabitant of such district possessed before such district was constituted.

marriages and mother church,

XV. AND be it enacted, that when any church or chapel shall be built, pur- District to chased, or acquired in any district constituted as aforesaid, and shall have been approved by the said commissioners, by an instrument in writing under church being their common seal, and consecrated as the church or chapel of such district, for the use and service of the minister and inhabitants thereof, such district shall, from and after the consecration of such church or chapel, be and be deemed to be a new parish for ecclesiastical purposes, and shall be known as such by the name of "the new parish of ," instead of "the district of

parish upon a consecrated.

," according to the name so as aforesaid fixed for such district; and such church or chapel shall become and be the church of such new parish accordingly; and any licence granted by the bishop, licensing any Licence of building for divine worship as aforesaid, shall thereupon become void; and it of worship shall be lawful to publish banns of matrimony in such church, and according shall there-upon become to the laws and canons in force in this realm to solemnize therein marriages, void.

Marriages, baptisms, churchings, and burials may be solemnized, and fees and dues received by minister.

No fee for baptism.

Minister to become perpetual curate of new parish;

and parish to be perpetual curacy, and benefice with cure of souls.

Churchwardens to be chosen.

Church wardens not liable or competent to act as overseers of the poor.

overseers of the poor. Act not to affect parochial rights, &c. otherwise than as expressly provided.

baptisms, churchings, and burials, and to require and receive such fees upon the solemnization of such offices or any of them as shall be fixed by the chancellor of the diocese in which such new parish shall be situate, and which fees, and also the fees for churchings to be received as aforesaid by the minister of such district, such chancellor is hereby empowered and required to fix accordingly; and the like Easter offerings and dues may be received within the limits of such new parish by the perpetual curate thereof as are and were, at and before the time of the passing of this Act, payable to the incumbent of the church of the principal parish of which such new parish originally formed a part; and the several laws, statutes, and customs in force relating to the publication of banns of matrimony, and to the performance of marriages, baptisms, churchings, and burials, and the registering thereof respectively, and to the suing for and recovering of fees, oblations, or offerings in respect thereof, shall apply to the church of such new parish, and to the perpetual curate thereof for the time being: Provided always, that it shall not be lawful for any such minister or perpetual curate to receive any fee for the performance of any baptism within his district or new parish, as the case may be, or for the registration thereof.

XVI. AND be it enacted, that upon any such district so becoming a new parish, the minister of such district, having been duly licensed, shall, without any further process or form in law, become and be perpetual curate of such new parish and of the church thereof, and shall have exclusive cure of souls in and over such parish; and shall be a body politic and corporate, and have perpetual succession; and that such parish and church shall be and be deemed to be a perpetual curacy, and a benefice with cure of souls, to all intents and purposes.

XVII. AND be it enacted, that in every such case of a district so becoming a new parish two fit and proper persons, being members of the United Church of England and Ireland, shall within twenty-one days from the consecration of the church thereof be chosen churchwardens for such new parish, one being chosen by the perpetual curate thereof, and the other by the inhabitants residing therein and having a similar qualification to that which would entitle inhabitants to vote at the election of churchwardens for the principal parish as aforesaid, or the majority of such inhabitants, and such election shall take place at a meeting to be summoned in such manner in all respects as such perpetual curate shall direct; and such persons shall continue such churchwardens until the next usual period of appointing parish officers following their appointment; and at the like time in every year two such persons shall thenceforward be chosen by the perpetual curate for the time being and inhabitants assembled as aforesaid; and every person so chosen as aforesaid shall be duly admitted, and shall do all things pertaining to the office of churchwarden as to ecclesiastical matters in the said new parish: Provided always, that nothing herein contained shall render any such churchwardens liable or competent to perform the duties of overseer of the poor in respect of such their office of churchwardens.

XVIII. Provided always, and be it enacted, that, until Parliament shall otherwise determine, nothing herein contained shall be construed to affect or alter any rights, privileges, or liabilities whatsoever, ecclesiastical or civil, of any parish, chapelry, or district, except as is herein expressly provided.

XIX. AND be it enacted, that the said recited Acts, so far as they apply to Endowment making better provision for the cure of souls, shall extend to authorize the endowment or augmentation of the income of such ministers and perpetual curates as aforesaid, to such an amount or in such proportion, and in such manner, as shall be deemed expedient, by the authority aforesaid; and also to Compensation authorize the assigning, at any time and from time to time, to the incumbent of mother of any church or chapel whose fees, dues, or other emoluments shall be church, diminished by or in consequence of any proceeding under the provisions of this Act, and, if it be deemed fit by the like authority, to his successors also, of such an annual sum as shall, upon due inquiry, appear to be a just and reasonable compensation for such diminution.

XX. And be it enacted, any law, statute, or canon to the contrary notwith- Patronage may standing, that it shall be lawful, by the authority aforesaid, at any time to be assigned to contribuassign the right of patronage of any such district or new parish as aforesaid, tors to endow and the nomination of the minister or perpetual curate thereof respectively, church, or to either in perpetuity or for one or more nomination or nominations, to any their nominees. ecclesiastical corporation aggregate or sole, or to either of the universities of Oxford, Cambridge, or Durham, or to any college therein respectively, or to any person or persons, or the nominee or nominees of such person or persons or body respectively, upon condition of such corporation, university, college, person or persons contributing to the permanent endowment of such minister or perpetual curate, or towards providing a church or chapel for the use of the inhabitants of such district or new parish, in such proportion and in such manner as shall be approved by the like authority.

XXI. AND be it enacted, that the right of patronage and nomination of Patronage, every such minister and perpetual curate, unless or until such right of such assign. patronage and nomination shall be otherwise wholly assigned, or except so far ment, to as the same shall be otherwise in part assigned, under the provisions in that be exercised alternately by behalf herein-before last contained, shall and may be exercised, alternately, by crown and bishop. her Majesty and her successors and the bishop of the diocese for the time being in which the district or new parish shall be situate; the first such nomination being in each case made by her Majesty.

XXII. AND for the encouragement of such persons as shall be disposed to contribute towards the purposes of this Act, and that their charity may be rightly applied, be it enacted, that all and every person or persons, or body Lands, &c. corporate, having in his or their own right any estate or interest in possession, may be vested in ecclesiastical reversion, or contingency of or in any lands, tithes, tenements, or other commissioners hereditaments, or any property of or in any goods or chattels, shall have full by deed enpower, licence, and authority, at his and their will and pleasure, by deed 27 Hen. 8. inrolled in such manner and within such time as is directed by the Statute will, for made in the twenty-seventh year of the reign of King Henry the Eighth, intituled "An Act concerning enrolments of bargains and contracts of lands for providing " and tenements," in the case of any lands, tithes, tenements, or other heredita-churches. ments, (but without any deed in the case of any goods or chattels,) or by his or their testament in writing, duly executed according to law, to give and grant to and vest in the said ecclesiastical commissioners for England and their successors all such his or their estate, interest, or property in such lands, tithes. tenements, or other hereditaments, goods, and chattels, or any part or parts thereof, for and towards the endowment or augmentation of the income of such

ministers or perpetual curates as aforesaid, or for or towards providing any church or chapel for the purposes and subject to the provisions of this Act. and to be for such purposes respectively applied, according to the will of such benefactors respectively, as in and by such deed inrolled, or such testament, executed as aforesaid, may be expressed, or, in the case of no deed or testament, as may in some other manner be directed, and in default of such expression or direction then in such manner as shall be directed by the authority hereinbefore mentioned; and such commissioners and their successors shall have full capacity and ability to purchase, receive, take, hold, and enjoy, for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same, as from all other persons who shall be willing to sell or aliene to the said commissioners, any lands, tithes, tenements, or other hereditaments, goods, or chattels, without any licence or writ of ad quod damnum, the statute of mortmain, or any other statute or law, to the contrary notwithstanding.

Commissioners may hold such property, and any which they may purchase, for such purposes.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict.

c. 39. extended to this Act.

1 & 2 Vict. c. 106. as to notices to and consent of patrons to apply to this Act.

Church building commissioners may make grants for purposes of this Act, although right of patronage of new church may not belong to incumbent of mother church. 17 Cha. 2. c. 8.

XXIII. And be it enacted, that all the powers and authorities vested in her Majesty in council and in the said commissioners by the said recited Acts, with reference to the matters therein contained, and all other the provisions of 'the same Acts relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and shall apply to her Majesty in council and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein; and the provisions contained in an Act passed in the second year of her Majesty's reign, intituled "An Act to abridge the holding of benefices in " plurality, and to make better provision for the residence of the clergy," respecting the party or parties to be deemed patron or patrons, for the purposes of notice to be served upon and consent to be given by such patron or patrons, and also respecting the manner in which and the party by whom any such consent is to be given, shall be construed to apply to the like matters respectively under this Act.

XXIV. And whereas it may be expedient that her Majesty's commissioners for building new churches should be able to apply a portion of the funds placed at their disposal towards promoting the purposes of this Act: Be it enacted, that it shall be lawful for the said commissioners to make any such grant in aid of the erection of any such new church or chapel as aforesaid as shall seem fit to them, if they are authorized so to do under the Church Building Acts, although the right of patronage of such church or chapel may not belong on the consecration thereof to the incumbent of the original parish in which such church or chapel shall be situate, any thing in such Acts to the contrary notwithstanding.

XXV. And whereas an Act was passed in the seventeenth year of the reign of King Charles the Second, intituled "An Act for uniting churches in "cities and towns corporate," which, besides the provisions indicated by the title of the said Act, contains enactments enabling impropriators to augment parsonages or vicarages in certain cases, and incumbents in certain cases to receive lands, tithes, and other hereditaments, without licence in mortmain: And whereas by an Act passed in the second year of the reign of her present Majesty, intituled "An Act to abridge the holding of benefices in

1 & 2 Viet. c. 106. s. 15. "plurality, and to make better provision for the residence of the clergy," the whole of the said Act of King Charles the Second was repealed, and more extensive provisions were made for the uniting of churches, but none for augmentations or holding in mortmain according to the same Act; and it is expedient that the last-mentioned enactments should be revived: Be it there- so much of fore enacted, that so much of the said Act of King Charles the Second as as enables enables any owner or proprietor of any impropriation, tithes, or portion of impropriators tithes to annex the same or any part thereof unto the parsonage, vicarage, and incumor curacy of the parish church or chapel where the same lie or arise, or to bents to receive lands, &c. settle the same in trust for the benefit of such parsonage, vicarage, or curacy, without licence and authorizes parsons, vicars, or incumbents to receive lands, tithes, or other in mortmain, revived. hereditaments without licence of mortmain, shall be and the same is hereby revived; and that all augmentations and grants at any time heretofore made according to the said Act of King Charles the Second shall be as good and effectual as if the same had never been repealed.

XXVI. AND be it enacted, that this Act shall extend only to England and Extent of Act. Wales, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and the Scilly Islands.

CHAPTER XXXVIII.

An Acr to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.

[28th July 1843.]

HEREAS it has been found expedient to make further regulations for hearing and making report to her Majesty in appeals and other matters referred to the judicial committee of the privy council, and for the more effectual appointment of surrogates in ecclesiastical and maritime causes of appeal, and for making orders or decrees incidental to such causes of appeal, and for the punishment of contempts, and compelling appearances and enforcement of judgments, orders, and decrees of her Majesty in council, or of the said judicial committee, or their surrogates, in such causes of appeal: Be Appeals, &c. it enacted by the Queen's most excellent Majesty, by and with the advice and by not less consent of the lords spiritual and temporal, and commons, in this present than three Parliament assembled, and by the authority of the same, that in any appeal, the judicial application for prolongation or confirmation of letters patent, or other matter committee of referred or hereafter to be referred by her Majesty in council to the judicial council under committee of the privy council, it shall be lawful for her Majesty, by order in a special order of her Majesty. council or special direction under her royal sign manual, having regard to the nature of the said appeal or other matter, and in respect of the same not requiring the presence of more than three members of the said committee, to order that the same be heard, and when so ordered it shall be lawful that the same shall be accordingly heard, by not less than three of the members of the said judicial committee, subject to such other rules as are applicable, or under this Act may be applicable, to the hearing and making report on appeals and other matters by four or more of the members of the said judicial committee.

II. And be it enacted, that in respect of all incidents, emergents, depen- Powers of the dents, and things adjoined to, arising out of, or connected with appeals from mittee and

their surrogates in respect to interlocutory orders, &c. in appeals from ecclesiastical and admiralty courts.

2 & 3 Will. 4. c. 92,

3 & 4 Will. 4. c. 41.

Who to be surrogates and examiners of the judicial committee in ecclesiastical and admiralty appeals.

Manner of conducting appeals before the judicial committee.

any ecclesiastical court, or from any admiralty or vice admiralty court, (save in giving a definitive sentence, or any interlocutory decree having the force and effect of a definitive sentence,) the said judicial committee and their surrogates shall have full power, subject to such rules, orders, and regulations as shall from time to time be made by the said judicial committee, (with the approval of her Majesty in council,) to make all such interlocutory orders and decrees, and to administer all such oaths and affirmations, and to do all such things as may be necessary, or the judges of the courts below appealed from or their surrogates in the cases appealed, or the judges of the courts appealed to or their surrogates, or the lords commissioners of appeals in prize causes or their surrogates, and the judges delegate or their condelegates under commissions of appeal under the great seal in ecclesiastical and maritime causes of appeal, would respectively have had before an Act passed in the third year of the reign of his late Majesty, intituled "An Act for transferring the powers " of the high court of delegates, both in ecclesiastical and maritime causes, " to his Majesty in council," and another Act passed in the following session of Parliament, intituled "An Act for the better administration of justice " in his Majesty's privy council," were passed.

III. AND be it enacted, that the surrogates and examiners of the Arches Court of Canterbury and the High Court of Admiralty of England, and such persons as shall from time to time be appointed surrogates or examiners of the said courts, shall be by virtue of this Act surrogates and examiners respectively of the judicial committee of the privy council in all causes of appeal from ecclesiastical courts and from any admiralty or vice admiralty court.

V. And be it enacted, that, subject to such rules and regulations as may from time to time be made by the said judicial committee with the approval of her Majesty in council, and save and in so much as the practice thereof may be varied by the said Acts of the reign of his late Majesty or by this Act, the said causes of appeal to her Majesty in council shall be commenced within the same times, and conducted in the same form and manner, and by the same persons and officers, as if appeals in the same causes had been made to the Queen in Chancery, the High Court of Admiralty of England, or the lords commissioners of appeals in prize causes respectively; and all things otherwise lawfully done and expedited in the said causes of appeal by the registrar of the High Court of Admiralty of England, his deputy or deputies, in consequence of the passing of the said Acts of the reign of his late Majesty, shall be deemed to be valid to all intents whatsoever.

Punishing contempts, compelling appearances, enforcing judgments, &c. in such appeals.

VII. AND be it enacted, that for better punishing contempts, compelling appearances, and enforcing judgments of her Majesty in council, and all orders and decrees of the said judicial committee or their surrogates, in all causes of appeal from ecclesiastical courts and from admiralty or vice admiralty courts, her Majesty in council and the said judicial committee and their surrogates shall have the same powers, by attachment and committal of the person to any of her Majesty's gaols, and subsequent discharge of any person so committed, as by any statute, custom, or usage belong to the judge of the High Court of Admiralty of England; and the said judicial committee shall have the same

immunities and privileges as are conferred on the judge of the High Court of Admiralty of England under an Act passed in the fourth year of the reign of her Majesty, intituled "An Act to improve the practice and extend the juris- 3 & 4 Vict. " diction of the High Court of Admiralty of England," as fully as if the same had been thereby expressly given to the said judicial committee.

IX. AND be it enacted, that all inhibitions, citations, monitions, and other Inhibitions, instruments incidental to or arising out of such causes of appeal shall be issued appeals to be in in the name of her Majesty, and under seal of her Majesty in ecclesiastical and her Majesty's maritime causes, and shall be of full authority in all places throughout the der seal, and of dominions of her Majesty.

X. AND be it enacted, that in all appeals in ecclesiastical and maritime dominions. causes to her Majesty in council it shall be lawful for her Majesty in council, Monitions for and the said judicial committee or their surrogates, at the petition of any person interested in the same, to decree monitions for the transmission of any sum or the registry of sums of money respecting which any order or decree may be made, or any the Adm questions may be depending arising out of such causes, and the proceeds of all ecclesiastical ships or vessels, goods, and cargoes respecting which any appeals may be appeals, and depending, into the registry of the High Court of Admiralty and Appeals, for for payment the benefit of the person or persons who may be ultimately entitled thereto, entitled, or for payment thereof to the person to whom the same may be lawfully due.

XI. AND be it enacted, that it shall be lawful for her Majesty, by order in All appeals council, to direct that all causes of appeal from ecclesiastical courts, , in which the appeal and petition of reference to her Majesty may be referred shall have been lodged in the registry of the High Court of Admiralty and to the judicial committee by Appeals within twelve calendar months from the giving or pronouncing of a general order any order, decree, or sentence appealed from, , shall in council, and may be referred to the judicial committee of the privy council, and the said judicial proceed as if committee and their surrogates shall have full power forthwith to proceed in special order the said appeals, and the usual inhibition and citation shall be decreed and in each case. issued, and all usual proceedings taken, as if the same had been referred to the said judicial committee by a special order of her Majesty in council in each cause respectively.

XII. And be it declared and enacted, that as well the costs of defending Costs may be any decree or sentence appealed from as of prosecuting any appeal, or in any the judicial manner intervening in any cause of appeal, and the costs on either side, or of committee, any Party, in the court below, and the costs of opposing any matter which shall be referred to the said judicial committee, and the costs of all such issues as ahall be tried by direction of the said judicial committee respecting any such appeal or matter, shall be paid by such party or parties, person or persons, as the said judicial committee shall order, and that such costs shall be taxed as in and by the said Act for the better administration of justice in the privy council is directed respecting the costs of prosecuting any appeal or matter referred by her Majesty under the authority of the said Act, save the costs arising out of any ecclesiastical or maritime cause of appeal, which shall be taxed by the registrar herein-after named, or his assistant registrar.

AND be it enacted, that the registrar of the High Court of Admiralty Appointment of England for the time being may be appointed by her Majesty to be regis- and assistant trar of her Majesty in ecclesiastical and maritime causes, and shall have power registrar in

name and unforce throughout the British of sums into the Admiralty

ecclesiastical and maritime causes. 3 & 4 Vict. c. 66. to appoint an assistant registrar, as provided by an Act passed in the fourth year of the reign of her Majesty, intituled "An Act to make provision for the "judge, registrar, and marshall of the High Court of Admiralty of England," and shall during his good behaviour, and while he shall be registrar of the said High Court of Admiralty, hold his office of registrar of her Majesty in ecclesiastical and maritime causes, and shall do all such things, and shall have the same powers and privileges in respect to the same, as belong to his predecessors in the office of registrar of his Majesty in ecclesiastical and maritime causes.

Custody of records, &c. of the Court of Delegates and Appeals. XIV. AND be it enacted, that all records, muniments, books, papers, wills, and other documents remaining in the registry of the High Court of Admiralty and Appeals, appertaining to the late High Court of Delegates and Appeals for Prizes, shall be and remain in the custody and possession of the said registrar of her Majesty in ecclesiastical and maritime causes.

Judicial committee empowered to make rules, &c. respecting practice and mode of proceeding in appeals, &c.

XV. AND be it enacted, that it shall be lawful for the said judicial committee from time to time to make such rules, orders, and regulations respecting the practice and mode of proceeding in all appeals from ecclesiastical and admiralty and vice admiralty courts, and the conduct and duties of the officers and practitioners therein, and to appoint such officer or officers as may be necessary for the execution of processes under the said seal of her Majesty, and in respect to all appeals and other matters referred to them, as to them shall seem fit, and from time to time to repeal or alter such rules, orders, or regulations: Provided always, that no such rules, orders, or regulations shall be of any force or effect until the same shall have been approved by her Majesty in council.

Rules to be approved by her Majesty in council.

Definition of terms.

XVII. And be it enacted, that in this Act all words denoting a male person shall be taken to include a female also, and all words denoting one person or thing shall be taken to include also several persons or things, unless a contrary sense shall clearly appear from the context; and that the words "Arches "Court of Canterbury," used in this Act, shall be construed to extend to such court as shall exercise the jurisdiction of the said court or be substituted for the same; and that wherever the words "ecclesiastical court" have been used in this Act the same shall be construed to extend to such court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any ecclesiastical court or be substituted for the same; and the words "ecclesiastical "and maritime cause of appeal" shall be construed to extend to causes appealed from ecclesiastical courts and such court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any ecclesiastical court or be substituted for the same.

CHAPTER XXXIX.

AN ACT for Confirmation of certain Marriages in Ireland. [28th July 1843.]

WHEREAS marriages have in divers instances been had and celebrated in Ireland, by Presbyterian and other Protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons being of the same or different religious persuasions; and it is expedient

to confirm such marriages: Be it therefore enacted by the Queen's most All marriages excellent Majesty, by and with the advice and consent of the lords spiritual celebrated in Ireland since and temporal, and commons, in this present Parliament assembled, and by the the passing of authority of the same, that all marriages had and celebrated in Ireland since c. 113. and the passing of an Act passed in the last session of Parliament, intituled "An before the "Act for confirmation of certain marriages in Ireland," and before the passing Act, by Presof this Act, by Presbyterian or other Protestant dissenting ministers or byterian or teachers, or those who at the time of such marriages had been such, shall be, tant dissenting and shall be adjudged and taken to have been and to be, of the same force and ministers, or those who at effect in law as if such marriages had been had and solemnized by clergy- the time of men of the United Church of England and Ireland, and of no other force nor effect whatsoever.

other Protessuch marriages had been such, to be of the same force in law as if solemnized by clergymen of the Established Church.

CHAPTER XL.

An Acr to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further securing the Property of the Manufacturers and the Wages of the Workmen engaged therein.

[1st August 1843.]

HEREAS an Act was passed in the session of Parliament held in the eighth and ninth years of King William the Third, intituled "An 8 & 9 Will. 3. " Act for the further encouragement of the manufacture of lustrings and " alamodes within this realm, and for the better preventing the importation " of the same," whereby (amongst other matters therein contained) certain penalties, forfeitures, and punishments therein referred to were imposed upon persons embezzling or otherwise unlawfully selling or receiving, as therein is mentioned, silk delivered by the silk manufacturers to be worked up: And whereas an Act was passed in the first year of the reign of her late Majesty Queen Anne, intituled "An Act for the more effectual preventing the abuses 1 Ann. st. 2. " and frauds of persons employed in working up the woollen, linen, fustian, c. 22. " cotton, and iron manufactures of this kingdom": And whereas the said Act was made perpetual by an Act passed in the ninth year of the reign of her said late Majesty Queen Anne, intituled "An Act for reviving and continu- 9 Ann. c. 92. " ing an Act made in the first year of her Majesty's reign, for the more effectual " preventing abuses and frauds of persons employed in the working up the " woollen, linen, fustian, cotton, and iron manufactures of this kingdom": And whereas an Act was passed in the twelfth year of the reign of his late Majesty King George the First, intituled "An Act to prevent unlawful combination 12 Geo. 1. " of workmen employed in the woollen manufactures, and for better pay- c. 34. " ment of their wages": And whereas an Act was passed in the thirteenth year of his late Majesty King George the Second, intituled "An Act to 13 Geo. 2. " explain and amend an Act made in the first year of the reign of her late c. 8. " Majesty Queen Anne, intituled 'An Act for the more effectual preventing the " 'abuses and frauds of persons employed in the working up the woollen, linen, " 'fustian, cotton, and iron manufactures of this kingdom,' and also for extend-" ing the said Act to the manufacture of leather": And whereas an Act was passed in the twenty-second year of the reign of his late Majesty King George

22 Geo. 2. c. 27.

17 Geo. 3.

82 Geo. 8. c. 44.

c. 56.

So much of the said Acts as relates to the woollen, linen, cotton, flax, mobair, and silk manufactures repealed as to manufactures, trades, &c. herein-after mentioned.

Persons
convicted of
pawning or
cmbezzling
any of the
materials or
tools herein
particularized
to forfeit the
value of the
same, with
penalty, and
costs.

the Second, intituled "An Act for the more effectual preventing of frauds " and abuses committed by persons employed in the manufacture of hats, and " in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, " and silk manufactures, and for preventing unlawful combinations of journey-" men dyers and journeymen hotpressers, and of all persons employed in the " said several manufactures, and for the better payment of their wages": And whereas another Act was passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled "An Act for amending and " rendering more effectual the several laws now in being for the more effectual " preventing of frauds and abuses by persons employed in the manufacture of " hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, " mohair, and silk manufactures, and also for making provisions to prevent "frauds by journeymen dyers": And whereas an Act was passed in the thirty-second year of his late Majesty King George the Third, intituled "An " Act for extending the provisions of an Act made in the thirteenth year of " the reign of his present Majesty, intituled 'An Act to empower the magis-" 'trates therein mentioned to settle and regulate the wages of persons employed " 'in the silk manufactures within their respective jurisdictions,' to manufac-" tures of silk mixed with other materials, and for the more effectual punish-" ment of buyers and receivers of silk purloined and embezzled by persons " employed in the manufacture thereof": And whereas the provisions of the said Acts have not been effectual to prevent frauds, embezzlements, and abuses by persons employed in the woollen, linen, cotton, flax, mohair, and silk hosiery manufactures and it is expedient to repeal so much of the said recited Acts as relates to the said manufactures, and to make further provisions in lieu thereof, as well for the benefit and encouragement of trade and manufactures as for the security of the property of manufacturers and the wages of the workmen engaged in the said manufactures: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act so much of the said recited Acts or any of them as relates to the woollen, linen, cotton, flax, mohair, and silk manufactures, or any of them, or any manufactures whatsoever made of wool, cotton, flax, mohair, or silk materials, whether the same be or be not mixed with each other or with any other materials, shall, so far as respects the manufactures, trades, occupations, and employments herein-after mentioned, be and the same are hereby repealed, save and except so far as the same may have repealed any former Acts or enactments.

II. And be it enacted, that if any person whosoever intrusted with any woollen, worsted, linen, cotton, flax, mohair, or silk materials, for the purpose of being prepared, worked up, or manufactured, either by himself or by any person or persons to be employed by or under him, or by himself jointly with any person or persons to be employed with, by, or under him, or for any purpose or work connected with manufacture or incidental thereto, or any parts, branches, or processes thereof, or any tools or apparatus for manufacturing the said materials, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same materials, tools, or apparatus, or any part thereof, he shall, upon being thereof lawfully convicted by the oath

of the owner of such materials, tools, or apparatus, or any part thereof, or of any other credible witness or witnesses, before two or more justices of the peace, forfeit the full value of the same, and also forfeit such penalty, not exceeding ten pounds, together with costs, as to the said justices shall seem meet; and every such forfeiture and penalty shall be applied, under the direction Application of of the convicting justices, in manner following; (that is to say,) in the first penalty and forfeiture. place, in making such satisfaction to the party injured as the said justices shall think proper; and the remainder, if any, shall be applied in the same manner as is herein-after directed for the disposal of any other penalty under this Act; and in default of payment of such forfeiture and penalty, with Distress costs, immediately on conviction, or within such period as the justices so con- warrant on nonpayment. victing may direct, the said justices may issue their warrant to distrain and sell the goods and chattels of the person so convicted, for the amount thereof, and costs; and the proceeds of any distress, after paying the penalty, forfeiture, and costs, and also the costs of such distress, shall be paid over to the person convicted; but if no sufficient distress shall appear or shall be found whereon Commitment to levy the said penalty, forfeiture, and costs, the said justices may, either in default of sufficient immediately or at any time after such conviction, commit any person so con-distress. victed to the common gaol or house of correction, to be there imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding three calendar months, unless the amount of such forfeiture and penalty, with costs, or so much thereof as shall not have been paid previously to the commencement of such imprisonment, be sooner paid.

III. And be it enacted, that if any person whosoever intrusted with any Persons woollen, worsted, linen, cotton, flax, mohair, or silk materials, for the purpose return mateof being prepared, worked up, or manufactured, either by himself or by any rials or tools person or persons to be employed by or under him, or by himself jointly with prescribed any person or persons to be employed with, by, or under him, or for any time to be purpose or work connected with manufacture or incidental thereto, or any same purishparts, branches, or processes thereof, or with any tools or apparatus for manufacturing the said materials, shall neglect or delay to return the said materials, tools, or apparatus, or any part thereof, for the space of fourteen clear days after being required so to do by the party intrusting him therewith, or by some person on his behalf, by notice in writing to be served upon or left at the last or usual place of abode or business of such person, (unless prevented by some reasonable and sufficient cause, to be allowed by the justices before whom he shall be brought,) then and in every such case all or so much or so many of the said materials, tools, or apparatus as shall not be returned to the person so intrusting him therewith within the time aforesaid shall be deemed to be embezzled by the person so neglecting or delaying to return the same; and the person so neglecting or delaying to return the same shall for every such offence be liable to be proceeded against for embezzlement, in the same manner, and subject to the same forfeiture and penalty, with costs, and to be applied in the same manner, as are respectively herein-before prescribed and imposed in respect to persons selling, pawning, purloining, embezzling, secreting, exchanging, or otherwise fraudulently disposing of the said materials.

embezzlement.

IV. And be it enacted, that any person who shall purchase or take in pawn, Persons knowingly or who in any other way shall receive into his premises or possession, any purchasing woollen, worsted, linen, cotton, flax, mohair, or silk materials, and whether or receiving

embezzled materials or tools to be guilty of a misdemeanor, and punishable as after mentioned.

the same or any part of the said materials be or be not wholly or partially wrought, made up, or manufactured into merchantable wares, or any tools or apparatus for manufacturing the same, knowing that such materials, tools, or apparatus are purloined or embezzled or fraudulently disposed of, or that the person from whom he shall purchase, take in pawn, or receive the same is fraudulently or unlawfully disposing thereof, or knowing such person to be employed or intrusted by any other person or persons to work up either by himself or by or with others the materials so purchased, taken in pawn or received for any other person or persons, and not having first obtained the consent of the person or persons so employing or intrusting him therewith, shall, on conviction by the oath of the owner or of any other credible witness or witnesses, be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after mentioned.

selling, &c. embezzled materials or tools, knowing the same to have been embezzled, &c. to be guilty of a mistlemeanor, and punishable as aftermentioned. Justices empowered to issue warrant for apprehension of offenders against this Act, and to commit them

for trial at

petty sessions.

Persons

V. And be it enacted, that if any person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such materials, tools, or apparatus as aforesaid, knowing the same to have been so purloined or embezzled or received from persons fraudulently disposing thereof as aforesaid, he shall, on conviction by the oath of the owner of such materials, tools, or apparatus, or any part thereof, or of any other credible witness or witnesses, be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after mentioned.

VI. AND be it enacted, that on proof on oath that there is just cause to suspect that any such materials, tools, or apparatus as aforesaid have been fraudulently sold, pawned, pledged, purloined, or embezzled by the person to whom the same were intrusted, or that any such materials, tools, or apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise unlawfully disposed of, or offered for sale, pawn, pledge, exchange, or other disposal, by any person knowing the same to have been purloined or embezzled or received from some person fraudulently disposing thereof, it shall and may be lawful for any one justice of the peace, and such justice is hereby required, to issue his warrant for apprehending any such person, and bringing him before him or some other justice of the peace for examination; and if upon such examination the charge of having fraudulently sold, pawned, purloined, embezzled, or otherwise fraudulently disposed of any such materials, tools, or apparatus, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or of having offered for sale, pawn, pledge, exchange, or other disposal, any such, materials, tools, or apparatus, knowing them to have been purloined or embezzled or received from some person fraudulently disposing thereof, shall be supported by evidence to raise a strong presumption of guilt, such justice shall commit such person to the common gaol or house of correction, in order that he may be brought forward for trial at the next petty sessions, unless he enter into such bail, with two sufficient sureties, as may be required for his appearance before such court on any day to be fixed by such iustice.

Bail.

Workmen neglecting to work, or leaving without notice.

VII. And be it enacted, that if any person intrusted, employed, or contracting to gagements, not either by himself or by any person or persons to be employed by or under him, or by finishing their himself jointly with any person or persons to be employed by or under him, or by prepare, work up, or manufacture, or to have prepared, worked up, or manufactured, woollen, worsted, linen, cotton, flax, mohair, or silk materials, shall not prepare, work up, or manufacture, or cause to be prepared, worked up, or manufactured, the said

materials, and return the same, within seven clear days after the time which shall have been agreed upon between such person and the owner of the said materials, or other the person intrusting him therewith, and in case no such time shall have been so agreed upon then within seven clear days after being required so to do (unless prevented by some reasonable and sufficient cause, to be allowed by the justices before whom he shall be brought), or shall leave or return such materials without having performed as he could and ought to have done the work he was employed to perform thereon or thereto, and without the consent of the person intrusting him with such materials as aforesaid, or shall clamage the same, or if any person shall contract or engage to work, or be employed to do or perform or to have done or performed any work, in any of the said manufactures, or connected therewith or incidental thereto, or any parts, branches, or processes thereof, either by himself or by any person or persons to be employed by or under him, and whether such contract or engagement shall be to work or be employed for any person exclusively, or for all or part of his time, or for specific work, or otherwise, and whether such person is to be paid according to the value or amount of the work done, the time employed, or in any other manner whatsoever, and shall neglect to fulfil such contract or engagement, or absent himself from such work or employment before such notice (if any) as shall have been agreed upon between the said parties for determining the said contract or engagement shall have expired, or without giving such notice, or contrary to the terms of such contract or engagement (unless prevented as aforesaid, to be allowed as aforesaid), then and in every such case such person, being thereof lawfully convicted on oath before two or more justices of the peace, shall for-Penalty. feit any sum not exceeding two pounds as to such justices shall seem meet, and also, in case the said materials shall be damaged, the amount of the injury done thereto, to be ascertained by the said justices, together with costs; and every such forfeiture shall be applied, under the direction of the justices so convicting, in manner following; (that is to say,) in the first place, in making such satisfaction to the party injured as the said justices shall think proper, and the remainder, if any, shall be applied in the same manner as any penalty under this Act; and in default of payment of such forfeiture and costs immediately on conviction, or within such period as the justices so convicting shall direct, the said justices may either immediately or at any time after such conviction commit any person so convicted to the common gaol or house of correction, there to be imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding two calendar months, unless the amount of such forfeiture and costs be sooner paid. [Rep., 38 & 39 Vict. c. 86. s. 17.]

VIII. AND be it enacted, that upon proof on oath before a justice of the Justice peace that there is reasonable cause to suspect that any person has in his empowered to grant search possession or on his premises any such materials, tools, or apparatus as aforewarrants. said, which have been purloined, embezzled, or otherwise fraudulently disposed of, it shall be lawful for the said justice, and such justice is hereby required, to grant his warrant to search the dwelling house and premises of such person, and if any such property shall be found therein to cause such materials, tools, or apparatus, and the person in whose possession or on whose premises the same shall be found, to be brought before him or some other justice of the peace, to be dealt with in the same manner as any person brought before a justice under the enactment next herein-after contained.

IX. And be it enacted, that every peace officer and constable and every Peace officers watchman duly appointed by law, during such time as he shall be on duty, to apprehend persons shall and may apprehend or cause to be apprehended any person whom he may suspected reasonably suspect of having, or carrying or in any way conveying, at any embezzled matime after sun-setting and before sun-rising, any such materials, tools, or terials, &c. or apparatus as aforesaid, suspected to be purloined, embezzled, or otherwise such between fraudulently disposed of, and shall lodge such person, together with the sunset and sunproperty, in a police office or other place of security, in order that he may be brought before a justice of the peace so soon as convenient, who is hereby empowered to discharge such person, or to order his detention until the next court of petty sessions, unless he enter into such bail, with two sufficient

Persons apprehended, and not proving that the property is honestly come by, to be punishable.

sureties, as may be required, for his appearance before such court on any day to be fixed by the said justice; and if the person so apprehended in the act of committing any such offence as aforesaid, or of conveying any such property as last aforesaid, shall not produce before the said court the person duly entitled to dispose of such property from whom he bought or received the same, or shall not give an account to the satisfaction of the said court that the property is honestly come by, then the person so apprehended shall be deemed and adjudged guilty of a misdemeanor, and be punished in manner hereinafter mentioned, although no proof shall be given as to whom such property belongs.

Adjournment of time for trial allowed, to enable prisoner to produce evi-dence, on his finding bail.

X. AND be it enacted, that it shall be competent for the party accused, in all proceedings brought under authority of this Act, to move for and obtain an adjournment of the time fixed for trial for such a reasonable time as may appear to the court to be necessary for the party accused to produce the person duly entitled to sell or dispose of the said property of whom he bought or received the same, or evidence respecting the same; but the party accused, and requesting such adjournment, shall be detained in custody or committed to prison, unless he enter into such bail, with two sufficient sureties, as shall be required for his appearance before such court at such time and place as shall be appointed.

Persons convicted of misdemeanor to forfeit not

exceeding 201.

Application of forfeiture.

Distress on nonpayment.

Imprisonment.

XI. AND be it enacted, that any person who shall be deemed and adjudged guilty of a misdemeanor, agreeably to any of the provisions of this Act, shall, in addition to being deprived without compensation of any such materials, tools, and apparatus which have been purloined, embezzled, or otherwise fraudulently disposed of, and which shall have been found in his possession, forfeit any sum not exceeding twenty pounds for each offence, together with costs, upon being thereof lawfully convicted by the oath of one or more credible witness or witnesses, before two or more justices of the peace; and every such forfeiture shall be applied, under the direction of the justices so convicting, in manner following; (that is to say,) in the first place, in making such satisfaction to the party injured as the said justices shall think fit, and the remainder, if any, shall be applied in the same manner as is herein-after directed for the disposal of any other penalty under this Act; and in default of payment of such forfeiture and penalty, with costs, immediately on conviction, or within such period as the court shall direct, any justice or justices may issue his or their warrant to distrain and sell the goods and chattels of the person so convicted, for the amount thereof, and costs; and the proceeds of any distress, after paying the forfeiture and costs, and also the costs of such distress, shall be paid over to the person convicted; but if no sufficient distress shall appear or shall be found whereon to levy the said forfeiture and costs. any justice or justices may, either immediately or at any time after such conviction, commit any person so convicted to the common gaol or house of correction, to be imprisoned there, with or without hard labour, as to the said court shall seem meet, for any term not exceeding four calendar months, unless the amount of such forfeiture and costs, or so much thereof as shall not have been paid previously to the commencement of such imprisonment, be sooner paid.

Disposal of unclaimed

XII. And be it enacted, that where no proof shall be given at the time of property which conviction of the ownership of property found in the possession of a person

convicted under this Act the justices or court shall cause the property so has been found to be deposited in some safe place for any time not exceeding thirty days, and shall, if the property be of sufficient value to pay the expences thereof, order an advertisement to be inserted in one or more of the public newspapers of the town or city where, or nearest the place where, the same was found, and by fixing a notice on some public place describing such property, and where the same may be inspected, or, in case of the said property not being of sufficient value to pay the said expences, then by fixing such notice as aforesaid only; and in case any person shall prove his own or his employer's ownership or property therein upon oath, to the satisfaction of a justice, restitution of such property shall be ordered to the owner thereof, after paying the reasonable cost of removing, depositing, advertising, and giving notice of the same; but if no ownership be proved to such property the justice shall, at the termination of thirty days, order such property to be sold, and after deducting the charges aforesaid, with the charges of sale, shall order the residue to be applied in the same manner as is hereafter directed for the disposal of any other penalty under this Act.

Owner of materials may &c. of persons

employed.

XIII. And be it enacted, that it shall be lawful for the owner of any such materials as aforesaid, or any other person duly authorized by him, or other inspect shops, the person who shall have so intrusted such materials, from time to time, as occasion shall require, to demand leave of entrance and enter at all reasonable hours in the daytime into the shops or outhouses of any person employed to work up or manufacture, either by himself or by any other person under him, any of the said materials, or other place or places where the work shall be carried on, and there to inspect the state and condition of such materials; and Penalty for in case of refusal or neglect by any such person or persons so employed to low inspection. permit such entrance or inspection such person shall, for so refusing to permit such entrance or inspection, forfeit any sum not exceeding twenty shillings, as the justices before whom he shall appear or be brought shall think proper, to be applied in the same manner as is herein-after directed for the disposal of any other penalty under this Act: Provided always, that nothing herein Protection of contained shall authorize any such owner or other person as aforesaid to inspect any frame, tools, or apparatus wherewith such materials are worked up, in improvements case such frame, tools, or apparatus comprise any new invention or improvement not disclosed to the public.

refusing to al-

Warrant may be granted by complaint on oath that person is about to abscond.

XIV. AND be it enacted, that if any manufacturer, agent, or any other person in his employment or service, shall make oath before a justice of the peace that any such materials, tools, or apparatus as aforesaid have been intrusted to any person as aforesaid, and that he has absconded, or that the deponent has just cause to suspect and does suspect that such person is about to abscond, it shall be lawful for such justice, and he is hereby required, to issue his warrant to apprehend such person, and bring him before him or some other justice of the Peace; and if such person shall have absconded, or shall not forthwith give security, to be approved of by the said justice, for the return in a finished state of all such materials so intrusted to him, within such time as shall be then agreed on, such justice shall by warrant order any constable, with his assistants, to enter the house or other premises of such person, and take possession of all such materials, tools, or apparatus so delivered to him as aforesaid, and to bring the same before the said justice or any other justice, when such justice

Justice may require such person to give security for return of materials, or direct constable to take possession thereof, and deliver them to

If they cannot be found, the person charged shall be deemed to have embezzled them.

Receiving goods in fictitious name.

Justice to issue warrant to constable to take possession of property intrusted to any person convicted of embezzlement, &c. and restore same to manufacturer, &c.

Frames, &c. not belonging to workmen not liable to be seized for rent or debt, unless the same be due from the owner of such frame, &c.

In case of refusal to restore frames, &c. unlawfully seized, justice may order their restoration. shall direct the same to be delivered to the owner, or his agent or servant, or other person duly authorized by him, and shall forthwith release the person in custody; but if all such materials, tools, or apparatus shall not be found in the house or other premises or the possession of such person, or shall not be produced before such justice, such person shall be deemed and taken to have purloined or embezzled such materials, tools, or apparatus, or such part thereof as shall not be found or produced, and shall be liable to any of the punishments awarded for such offence.

XV. AND be it enacted, that if any person shall receive any of the aforesaid materials in a fictitious name, in order to be manufactured, every such person so offending, and being convicted thereof on the oath of one or more credible witness or witnesses before two or more justices, shall for every such offence be liable to the same punishment as is herein-before directed in respect to persons not fulfilling their engagements.

XVI. And be it enacted, that in cases where any person shall have been committed for purloining, embezzling, or fraudulently disposing of all or any part of such materials, tools, or apparatus as aforesaid, which may have been intrusted to him, or shall have been convicted of any other offence against any of the provisions of this Act, it shall be lawful for the justice who so committed such person, or for any justice or court before whom he has been convicted for that or any other offence, and he or they is or are hereby required, to issue his or their warrant authorizing a constable, with his assistants, to enter the house and premises of such person, and take possession of all such property so intrusted as shall be found therein, and to bring the same before the said justice or court, when the said justice or court shall direct the same to be delivered to the manufacturer, agent, or person duly authorized to receive the same.

XVIII. And be it enacted, that no frame, loom, or machine, materials, tools, or apparatus, which shall be intrusted for the purpose of being used or worked in any of the said manufactures, or any work connected therewith or incidental thereto, or any parts, branches, or processes thereof, whether such frame, loom, or machine, materials, tools, or apparatus shall or shall not be rented or taken by the hire, shall at any time or times hereafter be distrained or seized, or be liable to be distrained or seized, for rent or for debt, or under any execution or other proceedings whatever, unless the rent be due or the money be owing by the owner of the said frame, loom, or machine, or of the said materials or tools or apparatus aforesaid, or of any part thereof respectively.

XIX. AND be it enacted, that if any landlord or other person, by virtue of any distress warrant, execution, or other proceedings for rent in arrear, or money due or alleged to be due by any person whomsoever, shall distrain, seize, carry off, sell, or otherwise dispose of any frame, loom, or machine, materials, tools, or apparatus, belonging to any other person, which shall have been intrusted for the purpose of being used or worked in any of the said manufactures, or any work connected therewith or incidental thereto, or any parts, branches, or processes thereof, and whether the same shall or shall not be rented or taken by the hire, or shall distrain, seize, carry off, sell, or otherwise dispose of any materials as aforesaid, or any tools or apparatus as aforesaid, belonging to any other person, and shall refuse to restore possession of all such

frames, 100ms, machines, tools, or apparatus to the person owning, letting, or intrusting the same, when demanded by him, or some person duly authorized by him, of the said landlord or other person, or the person acting as agent or bailiff of such landlord or other person, it shall and may be lawful to and for any justice of the peace, upon complaint on oath before him, to summon the said landlord or other person to appear before any two or more justices of the peace to answer the said complaint, and on proof of the said offence the said justices may thereupon order the property so seized, distrained, carried off, or sold to be forthwith restored, and issue their warrant to a constable or constables empowering him or them to seize the said property wherever the same shall be found, and deliver possession thereof to the person owning, letting, or intrusting the same, and to levy, by distress and sale of the goods of the said landlord or other person, the costs of obtaining the said order, and recovering and obtaining possession of the said property; and in case the said property Amount of any cannot be found and seized within a time, not exceeding twenty-one days, to frames, &c. so be limited in the said warrant, or in case the said property shall have been seized may be damaged by the same having been distrained, seized, carried off, or sold, then tress. it shall be lawful for such two justices, or any other two justices, on proof thereof, (the said landlord or other person having been first summoned by a justice,) to issue their warrant to levy by distress and sale of the goods and chattels of such landlord or other person the full value of the said property, or the amount of such damage, as the case may be, together with all costs of recovering and levying the same.

XX. AND be it enacted, that if any person or persons shall obliterate, efface, Penalty for or alter the owner's name or initials, or other distinguishing mark, on any obliterating mark on frame, loom, or machine, or any bar or part thereof, or the moulds thereof, machine. without the order or authority of the owner thereof, he shall, on conviction thereof before two justices of the peace, forfeit any such sum not exceeding two pounds as such two justices shall order and direct, to be applied, in the first place, in paying the costs of the proceedings before such justices, and the surplus, if any, to the party injured; and in default of payment of such forfeiture imminediately on conviction, or within such period as the justices so convicting shall direct, then the said justices may, either immediately or at any time after such conviction, commit any person so convicted to the common gaol or house of correction, there to be imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding two calendar months, unless the amount of such forfeiture be sooner paid.

XXI. AND for the discouragement of frivolous and vexatious informations and prosecutions under this Act, be it enacted, that it shall be lawful for any Power to justices or court of petty sessions before whom any case under this Act is tried award costs of frivolous proto award costs to the defendant, with an allowance for his loss of time, in case secution to of acquittal, to be paid by the prosecutor; and also, if it shall appear to such also compen-Justices or court that the charge was made from a malicious, vexatious, or sation for malifrivolous motive, or in case the party shall be charged with embezzlement of materials, by reason of any deficiency in the weight of the materials which he shall have returned to the person by whom they were intrusted to such party, as compared with the weight of the materials received, and it shall be proved upon the hearing of the case that such materials were knowingly and fraudnlently delivered to the party charged whilst in a damp state, so that the appa-

cious charge of

rent weight thereof was thereby increased, it shall be lawful for such justices or court to award to the defendant such further sum of money, not exceeding twenty pounds, as to such justices or court shall seem fit, to be paid by such prosecutor as a compensation for the injury done; and in default of payment such costs and allowances and compensations may be levied by distress and sale of the prosecutor's goods.

Mode of proceeding when charge is made, and hearing of charge before justices,

XXII. AND be it enacted, that where any person shall be charged on oath with any offence punishable under this Act one justice may receive the original information and summon the person charged to appear before any two justices of the peace at a time and place to be named in such summons, and if he shall not appear accordingly then the justices there present may either proceed to hear and determine the case ex parte, or any of such justices may issue a warrant for apprehending such person, and bringing him to answer the said charge before any two or more justices; or the justice before whom the charge shall be made may, if he shall so think fit, issue such warrant in the first instance, without any previous summons, and commit the person so charged to prison, in order that he may be brought forward for trial (unless he enter into such bail as may be required by such justice for his appearance at such time and place as shall be appointed); and the justices before whom the person charged shall appear or be brought shall proceed to hear and determine the case; and after adjudication all and every the subsequent proceedings to enforce obedience thereto, whether respecting the penalty, forfeiture, distress, imprisonment, costs, or other matter or thing relating thereto, may be enforced by any one of the said justices.

After adjudication subsequent proceedings may be enforced by one justice.

Service of summons.

Limitation of time within which proceedings shall be commenced. Parties privy to the offence competent witnesses.

What justices to have jurisdiction.

One justice at least not to be engaged in any manufacture, &c. to which this Act extends, &c.

Application of penalties,

XXIII. And be it enacted, that every summons to be granted by a justice of the peace under this Act may be served by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate.

XXIV. Provided always, and be it enacted, that every complaint and prosecution under this Act shall be commenced within six calendar months after the commission of the offence, unless the offending party shall have in the meantime left the country, and not otherwise; and that . . . any person aiding, abetting, party or privy to the commission of the offence charged shall in every case under this Act be deemed a competent witness to prove the offence.

XXV. AND be it enacted, that in all complaints, warrants, proceedings, or prosecutions under this Act any justice or justices of the peace, and the court of petty sessions, for the county, city, borough, or place where the offence shall be committed or the complaint arise, or where the said materials, frame, loom, machine, tools, or apparatus shall be given out or intrusted, lent or hired, or where the manufacturer, master, or employer shall carry on his trade or business, shall have full power and authority to act, and to hear and determine such complaint, warrant, proceeding, or prosecution, and do all other matters incident thereto: Provided always, that in all convictions or adjudications under this Act one at least of the convicting or adjudicating justices shall be a person not engaged in any manufacture, trade, occupation, or employment to which this Act extends, and shall not be the father, son, or brother of any such person.

XXVI. And be it enacted, that all forfeitures and penalties upon convictions under this Act not specially provided for shall be paid to the sheriff or other

that the sum of

' Tif 80

proper of the county, city, borough, or place in which such conviction shall take place, for her Majesty's use, and shall be returned to the court of quarter sessions, under the provisions of an Act passed in the third year of the reign of his late Majesty King George the Fourth, intituled "An Act for the \$ Geo. 4. c. 46. " more speedy return and levying of fines, penalties, and forfeitures, and " recognizances estreated."

XXVII. And be it enacted, that in every case of summary conviction or Scale of adjudication under this Act not specially provided for, where the sum forfeited or adjudged to be paid, or which shall be imposed as a penalty, by any of penalties justice or justices of the peace, together with costs, if awarded, which costs on summary such justice or justices is and are hereby authorized to award, if he or they in cases not shall think fit, in any proceeding, adjudication, or conviction under this Act, specially vided for. shall not be paid immediately, or within such period as the said justice or justices shall direct, or where a warrant of distress shall be issued, and no sufficient distress shall be found, it shall be lawful for the convicting justice or justices to commit the offender to the common gaol or house of correction, there to be imprisoned, with or without hard labour, according to the discretion of the said justice or justices, for any term not exceeding two calendar months when the amount of the sum forfeited or adjudged to be paid, or of the penalty imposed. together with costs, shall not exceed five pounds, and for any term not exceeding three calendar months in any other case, unless the amount and costs be sooner paid.

XXVIII. And be it enacted, that the justices before whom any person shall Form of be convicted of any offence against this Act may cause the conviction to be drawn up on paper or parchment in the following form of words, or in any other form of words to the like effect, and with such variations as the case shall require; (that is to say,)

E it remembered, that on the day of fo wit. in the year of our Lord in the , C.D. is convicted before us, A.B. and J.P., two of her Majesty's justices of the peace for the said for that he the said C.D. [here specify the offence, and the time and place where the same was committed, as the case may be]; and we do adjudge that the said C.D. shall for the said offence forfeit and pay [here state the penalty actually imposed, or the penalty and also the sum adjudged as the value of the articles or the amount of the injury, as the case may be], and also pay the sum of for costs [if so ordered]; and we direct that the sum of shall be paid to E.F., the party aggrieved, on the [instant or next ensuing], and that day of the surpo of shall, on the day of [instart or next ensuing], be paid and applied according to the direction of the Statute in such case made and provided [or, as the case may be], and

· above written.' AND be it enacted, that in all cases of summary conviction under Appeal to this Act, where the sum adjudged to be paid shall exceed twenty shillings, or guarter sessions in certain the imprisonment shall exceed one calendar month, any person who shall cases. think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be held for the county, city, borough

Ordered]. Given under our hands and seals, the day and year first

for costs shall be paid to the complainant

or place where such conviction shall have been made, (such person at the time of such conviction giving to the justices so convicting, or to the justice so presiding at the court of petty sessions at which such conviction shall take place, notice in writing of his intention to appeal, and also entering into a recognizance at the time of such notice, with two sufficient sureties, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall by the court be awarded); and upon such notice being given and such recognizance being entered into the justice or justices before whom the same shall be entered into shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the court shall seem meet; and in case of the dismissal of the appeal or the confirmation of the conviction the said court shall order and adjudge the offender to pay such costs, if any, as shall be awarded, and shall, if necessary, issue process for enforcing payment of the same; and it shall be lawful for the said court, or, on the production of a certificate under the hand of the clerk of the peace for the said county, city, borough, or place, or his deputy, for any justice or justices of the peace for such county, city, borough, or place, either immediately or at any time thereafter, to issue a warrant of distress and sale, or a warrant for the apprehension and commitment of such offender for such period of time as, together with the days during which such person so convicted shall have been imprisoned, if any, previously to being discharged by reason of such appeal, shall amount to the same period or term of imprisonment for which such person was adjudged to be imprisoned at the time of conviction, or to issue a warrant of distress and sale, and, if there be no sufficient distress, a warrant of apprehension and commitment, as the case may require, in like manner in all respects as any justice or justices could or might have done in case no notice of appeal had been given.

XXX. AND be it enacted, that no order or conviction, or proceedings

touching the same respectively, nor adjudication made or appeal therefrom,

shall be quashed for want of form, or be removed by certiorari or otherwise

into any of her Majesty's superior courts of record; and that no warrant of

commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and that where any distress shall be

made for levying any money by virtue of this Act the distress itself shall not

be deemed unlawful, nor the party making the same be deemed a trespasser,

on account of any defect or want of form in the summons, warrant, conviction,

warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage (if any), upon

Proceedings not to be quashed for want of form, or be removed by certiorari.

Parties distraining not to be deemed trespassers ab initio on account of irregularity.

Venue and Limitation of actions.

an action on the case.

XXXI. AND be it enacted, that for the protection of persons acting in the execution of this Act all actions and prosecutions for damage to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was or is charged to have been committed, and shall be commenced within two calendar months after the fact committed, and not otherwise, and notice in writing of such action and of the

Notice.

of hosiery.

cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant General issue. may plead the general issue, or, in case of any action of replevin, may avow Avowry in generally that the goods and chattels in question were taken under and by replevin. virtue of this Act, and may give this Act and the special matter in evidence at the trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, nor if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant or avowant: Provided Plaintiff must always, that in all such actions of damages the plaintiff shall be bound to establish, not merely that damages have been suffered by him, but that the same have been wilfully and maliciously caused by the defendant or avowant.

damage has been wilfully

XXXIII. AND be it enacted, that nothing in this Act contained shall extend Extent of Act. to Scotland or Ireland, or be construed to extend to repeal any Act or statute, or part thereof, now in force, and not repealed by this Act.

XXXIV. And be it enacted, that this Act shall not extend or be construed to extend to any manufacture, trade, occupation, or employment, except only shall extend. the manufactures, trades, occupations, and employments following; (that is to say,) the manufacture of woollen, worsted, linen, cotton, flax, mohair, or silk materials in, on, or by the stocking-frame, warp machine, or any other machine employed in the manufacture of frame-work, knitted or looped fabrics, and every trade, occupation, operation, or employment whatsoever connected with or incidental to the manufacture of stockings, gloves, and other articles

To what trades

XXXV. And he it enacted, that in all cases under this Act the singular is to include the plural, and the masculine the feminine; and in an indictment or information for offences against the property of partners, joint stock companies, or trustees, it shall be sufficient to lay the ownership in the name of one partner or trustee and another or others; that the words "woollen, " worsted, linen, cotton, flax, mohair, or silk materials," shall be construed to extend to any of the said materials mixed with each other or with any other material or materials; and that the words "manufacture" and "work" shall extend to all trades, occupations, operations, and employments whatsoever connected with or incidental to the manufacture of any of the said materials, or any parts, branches, or processes thereof, and likewise to such materials, whether the same or any part thereof be or be not in the whole or in part first wrought, made up, or manufactured or converted into merchantable wares.

Construction

CHAPTER XLII.

An Acr to amend an Act of the Nineteenth and Twentieth Years of King George the Third, for empowering Grand Juries in Ireland to present Bridges, and Tolls to be paid for passing the same, in certain Cases.

[1st August 1843.]

WHEREAS by an Act passed in the Parliament of Ireland in the nineteenth and twentieth years of the reign of his late Majesty King Irish Act. George the Third, intituled "An Act for empowering grand juries to present 19 & 20 Geo. 3.

" bridges, and tolls to be paid for passing the same, in certain cases," it was enacted, that from and after the first day of August one thousand seven hundred and eighty every grand jury of any county or county of a city or county of a town in Ireland, at any assizes to be holden for the same, may authorize the building of bridges, and authorize and approve of certain tolls

Grand juries in Ireland may purchase the

tolls on bridges, and open them to the public free.

Purchase money to be raised by presentment.

6 & 7 Will. 4.

c. 116.

Extent of Act.

United Kingdom called Ireland.

succeeding grand jury. II. AND be it enacted, that this Act shall extend only to that part of the

to be charged thereon, as therein mentioned; and it was thereby further enacted, that it should and might be lawful for the grand jury of the county in which such bridge should be situated, or, if situated in two counties, then for the grand juries of the said counties, to redeem the tolks, and to present for the amount of the purchase money thereof: And whereas it would tend to the public advantage if the bridges upon which toll is charged were open to the public free from tolls: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the grand jury or grand juries of any county and county of a city or town in Ireland, and they are hereby authorized and empowered, to agree with the companies, commissioners, corporations, or persons possessed of and interested in, and having any lien or incumbrance on, the tolls payable on any bridge upon which toll is charged, situate in such counties or cities or towns, or within five miles thereof, for the purchase thereof, and the said companies, commissioners, corporations, and persons are hereby authorized to agree with the said grand jury or grand juries for the sale thereof; and the said grand jury or grand juries shall take an average of the sums received for tolls on such bridge for three years immediately preceding such agreement, and, according to such average, shall estimate the sum which shall be paid for the purchase of such tolls, and shall, with the consent in writing of the persons interested in such tolls, apportion and distribute the sum which shall be paid for the purchase thereof to and among the several persons interested therein; and it shall and may be lawful for the said grand jury or juries to raise, by presentment on such county or counties, or on any barony, half barony, or baronies thereof, or city or town, such sum or sums of money as may be sufficient for the purchase of such tolls, and payable in such instalments and proportions, and at such times, as shall be agreed upon by such grand jury or juries, and the owners of such tolls, and persons having charges thereon, respectively, and that upon such presentments being made the said toll shall cease, and the passage of such bridge shall be open and free to all cattle, carriages, and persons whatsoever: Provided always, that any such presentment shall at the first assizes be considered only as an application to be certified under an Act passed in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws " relating to the presentment of public money by grand juries in Ireland." and shall be subject to such and the like regulations in all respects as certified applications under the provisions of that Act, and shall not be binding on any grand jury unless it shall be approved by the presentment sessions and

CHAPTER XLIV.

An Act to amend the Acts for carrying on Public Works in Ireland.

[10th August 1843.]

WHEREAS an Act was passed in the second year of the reign of his late Majesty, intituled "An Act for the extension and promotion of public works in Ire-" land": And whereas another Act was passed in the seventh year of the same reign, intituled "An Act to amend an Act passed in the first and second years of his pre- 6 & 7 Will. 4. " sent Majesty, 'for the extension and promotion of public works in Ireland'": c. 108. And whereas another Act was passed in the first year of the reign of her present Majesty, intituled "An Act to amend the Acts for the extension and promotion of 7 Will. 4. & "public works in Ireland": And whereas another Act was passed in the second 1 Vict. c. 21. year of the reign of her present Majesty, intituled "An Act to authorize a further 1 & 2 Vict. "issue of Exchequer bills for public works and fisheries and employment of the c. 88. " poor, and to amend the Acts relating thereto": And whereas another Act was passed in the third year of the reign of her present Majesty, intituled "An Act to 2 & 3 Vict. "extend and amend the provisions of the Acts for the extension and promotion of c. 50. " public works in Ireland, and for the recovery of public monies advanced for the " use of counties, parishes, and other districts in Ireland, on the faith of grand " jury presentments and parochial assessments": And whereas great benefits have been derived from loans under the regulation of the first-recited Act, and the several Acts for amending the same, and it is expedient that such loans, together with the several powers of the commissioners of public works in Ireland, should be continued: And whereas it is expedient to discontinue all further issues of Exchequer bills made out under the first-recited Act, or any of the Acts amending the same, and to put an end to all operations with regard to such Exchequer bills required by the said Act, except such as may be necessary for paying off the outstanding bills, and for applying the repayments on account of loans made with such Exchequer bills to make good the sums issued from the consolidated fund to pay the interest and principal on those bills:
And whereas by an Act passed in the fifth year of the reign of her present Majesty,
intituled "An Act to authorize the advance of money out of the consolidated fund 5 & 6 Vict. "to a limited amount for carrying on public works and fisheries and employment c. 9. "of the poor; and to amend the Acts authorizing the issue of Exchequer bills for "the like purposes," the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being are empowered, by warrant under the hands of any three or more of them, for the purpose of the advances or loans therein referred to, to charge the consolidated fund of the United Kingdom of Great Britain and Ireland, and to direct the issue or to be paid thereout to the account of the commissioners for the time being for the reduction of the national debt, a sum or sums of money not exceeding three hundred and sixty thousand pounds per annum during the five years next ensuing the fifth day of April one thousand eight hundred and forty-two, by quarterly instalments or issues, not exceeding ninety thousand pounds per quarter, the same to become due on the days and at the times in the said Act particularly mentioned: And whereas it is expedient to make advances of money out of the consolidated fund for the purposes of loans toward public works in Ireland, instead of the issues of Exchequer bills hitherto adopted, which are found inconvenient: And whereas the sums annually receivable in repayment of existing loans heretofore made by the commissioners of public works in Ireland amount, and will amount for some years to come, to a sum which would be sufficient to furnish to a considerable extent means for making the requisite advances: Be it therefore Issue of Exenacted by the Queen's most excellent Majesty, by and with the advice and consent of chequer bills the lords spiritual and temporal, and commons, in this present Parliament assembled, under and by the authority of the same, that from and after such period as may be in that 1 & 2 Will. 4. behalf determined upon by the commissioners of her Majesty's Treasury all further amending Acts issues of Exchequer bills under the said first-recited Act, or any of the Acts amending to be disconthe same, shall be discontinued [Rep., Stat. Law Rev. Act, 1874 (No. 2).]; . . . tinued.

IV. And be it enacted, that the commissioners of public works for the time being Commissioners under the said first-recited Act shall be commissioners for the execution of this Act. for execution of this Act. Rp., Stat. Law Rev. Act, 1874 (No. 2).]

A sum not exceeding 15,000*l*. per quarter to be applied for public works in Ireland, V. And be it enacted, that the said commissioners of her Majesty's Treasury, by warrant under the hands of any three or more of them, may direct from time to time, that out of the sum, not exceeding three hundred and sixty thousand pounds per annum, which by the said Act of the fifth year of the reign of her said present Majesty they are authorized to charge on the consolidated fund of the United Kingdom of Great Britain and Ireland, and which they are authorized to direct to be paid to the account of the commissioners for the reduction of the national debt, during the term of five years next ensuing the fifth day of April one thousand eight hundred and forty-two, by quarterly instalments or issues, not exceeding ninety thousand pounds per quarter, as aforesaid, there shall issue and be paid unto the said commissioners for the reduction of the national debt, during the remainder of the said term of five years, a sum not exceeding fifteen thousand pounds per quarter, to be at the disposal of the said commissioners of public works, as herein-after mentioned, [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Commissioners to receive applications and make loans. VII. And be it enacted, that it shall be lawful for the said commissioners of public works to receive application for any loan or loans, and, with the approval of the commissioners of her Majesty's Treasury, to make such loans, upon such and the like securities, and for such and the like purposes, and upon such and the like terms, as are specified by the said recited Acts for the extension and promotion of public works in Ireland, or any of them, and as may be authorized by the commissioners of her Majesty's Treasury. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Bank of Ireland to open an account with paymaster of civil services, of repayments. Appropriation and entry of

repayments.

XI. And be it enacted, that the governor and company of the Bank of Ireland shall open an account with the paymaster of the civil services of Ireland, under the title of "The Paymaster of the Civil Services, on account of the Repayment of Loans for "Public Works"; and monies which shall from time to time be repaid in respect of loans made under this Act, or in respect of the interest thereof, shall be carried to the credit of this account. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

XII. And be it enacted, that as soon as any sum of money shall have been so lodged to the credit of the said account of the paymaster of civil services, on account of the repayment of loans for public works, the said commissioners of public works shall, upon a notification thereof, cause to be made out and delivered to the said paymaster of civil services a statement of the proper appropriation of such payment, whether for account of interest or principal, or how much for each respectively, upon which the said paymaster of civil services shall cause to be prepared accordingly the proper receipt or voucher, and send the same to the said commissioners of public works, who shall thereupon cause the sum or sums therein mentioned to be entered on the books of the said commissioners, to the credit of the loan on account of which such payment shall have been made; and such receipt, when so entered, shall be delivered to the party or person on whose account such payment shall have been so made; and such receipt shall be a sufficient discharge to the party or person paying the same. [Rep., Stat. Law. Rev. Act, 1874 (No. 2).]

Receipt of paymaster to be a discharge.

Powers of recited Acts as to advances to apply to advances under this Act, as if re-enacted. XIV. AND be it enacted, that all the enactments contained in the said recited Acts relating to public works in Ireland, or any of them, in relation to any advances of Exchequer bills or money made or to be made under the said recited Acts or any of them, or for the recovery or repayment of such advances, shall, except as is herein otherwise provided, extend to all loans of money to be made under the authority of this Act, and to all things done or directed to be done by the said commissioners of her Majesty's Treasury, or the said commissioners of public works, or their secretary for the time being, or any other persons or bodies corporate, under the authority of the said recited Acts or this Act, or any of them, and the recovery and repayment of such loans, in such or the like manner as if they had been particularly and severally re-enacted in the body of this Act, except so far only as the same is amended or altered by any of the said Acts or by this Act.

XV. AND be it enacted, that in case the said commissioners of public works Commissioners, shall, under the authority of any of the said recited Acts or this Act, make any sale or other absolute disposition of any public works, interest, property, property mortor effects comprised in any mortgage, assignment, or other charge already executed or hereafter to be executed under the provisions of any of the said recited Acts or this Act, it shall be lawful for them, with the consent of the commissioners of her Majesty's Treasury, out of the clear monies thereby produced, after payment of the expences of preparing for and making such sale or other disposition, so far as such clear monies will extend, to deduct and detain all the principal monies for the time being remaining due or secured for principal upon such mortgage, assignment, or charge, notwithstanding the whole of such principal money, or any instalment thereof, may not, according to the terms come due and of such mortgage, assignment, or charge, have become actually due and payable, together with all interest (if any) for the time being accrued due on such principal monies.

gaged to them, may retain the whole of the mortgage debt or charge out of the proceeds of sale, not withstanding some of the instalments may not have actually bepayable at the time of sale.

CHAPTER LXV.

An Acr to amend the Laws relating to the Copyright of Designs.

[22d August 1843.]

HEREAS by an Act passed in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to consolidate and amend the 5 & 6 Vict. " laws relating to the copyright of designs for ornamenting articles of manu- c. 100. " facture," there was granted to the proprietor of any new and original design, with the exceptions therein mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described during the respective periods therein mentioned: And whereas it is expedient to extend the protection afforded by the said Act to such designs herein-after mentioned, not being of an ornamental character, as are not included therein:

II. And with regard to any new or original design for any article of manufacture having reference to some purpose of utility, so far as such design shall be for the shape or configuration of such article, and that whether it be Grant of for the whole of such shape or configuration or only for a part thereof, be it enacted, that the proprietor of such design not previously published within shape of arthe United Kingdom of Great Britain and Ireland or elsewhere shall have the facture. 80/e right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this Act: Provided always, Not to extend that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the Act, or thirty-eighth and fifty-fourth years of the reign of his late Majesty King George the Third, and intituled respectively "An Act for encouraging the 54 Geo. 3. "art of making new models and casts of busts, and other things therein "mentioned" [a], and "An Act to amend and render more effectual an Act

designs for ticles of manu-

to designs within recited

I Section 2, so far as it relates to 38 Geo. 3. c. 71, is rep., Stat. Law Rev. Act, 1874 (No. 2).I

"for encouraging the art of making new models and casts of busts, and other things therein mentioned."

Conditions of copyright.

III. PROVIDED always, and be it enacted, that no person shall be entitled to the benefit of this Act unless such design have before publication thereof been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless after publication of such design every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word "registered," with the date of registration.

Penalty for wrongfully using marks denoting a registered design. IV. And be it enacted, that unless a design applied to any article of manufacture be registered either as aforesaid or according to the provisions of the said first-mentioned Act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word "registered," or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding five pounds nor less than one pound, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

Floor or oil cloths to be included in class six in 5 & 6 Vict. c. 100.

c. 100.
Certain provisions of 5 & 6 Vict.
c. 100. to apply to this Act.

V. And be it enacted, that all such articles of manufacture as are commonly known by the name of floor cloths or oil cloths shall henceforth be considered as included in class six in the said first-mentioned Act in that behalf mentioned, and be registered accordingly.

VI. AND be it enacted, that all and every the clauses and provisions contained in the said first-mentioned Act, so far as they are not repugnant to the provisions contained in this Act, relating respectively to the explanation of the term proprietor, to the transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present Act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisoes had been particularly repeated and re-enacted in the body of this Act.

Appointment of registrar, &c. VII. And be it enacted, that so much of the said first-mentioned Act as relates to the appointment of a registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be and the same is hereby repealed; and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] for the purpose of carrying into effect the provisions as well of this Act as of the said first-mentioned Act, the lords of the committee of the privy council for the consideration of all matters of trade and plantations may appoint a person to be registrar of designs for articles of manufacture, and, if the lords of the said committee see fit, an assistant registrar and other necessary officers and servants; and such registrar, assistant registrar, officers, and servants shall hold their offices during the pleasure of the lords of the said committee; and such registrar shall have a seal of office; and the commissioners of her Majesty's Treasury may from time to time fix the salary or other remuneration of such registrar, assistant registrar, and other officers and servants; and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the registrar, deputy registrar, clerks, and other officers

and servants thereby appointed and therein named, shall be construed and held to apply respectively to the registrar, assistant registrar, and other officers and servants to be appointed under this Act.

VIII. AND be it enacted, that the said registrar shall not register any Registrar's design for the shape or configuration of any article of manufacture as afore-registration of said unless he be furnished with two exactly similar drawings or prints of designs under such design, with such description in writing as may be necessary to render the same intelligible according to the judgment of the said registrar, together with the title of the said design, and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together Drawings, &c. with the title and description of such design, and the name and address of the to registrar; proprietor aforesaid, shall be on one sheet of paper or parchment, and on the sume side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the said sheets a blank space on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such part or parts of the said design (if any) as shall not be new or original; and the said registrar and registered, shall register all such drawings or prints from time to time as they are received by him for that purpose; and on every such drawing or print he shall affix a number corresponding to the order of succession in the register, and he shall numbered, retain one drawing or print which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered he shall keep a and indexed. proper index of the titles thereof.

to be furnished

AND be it enacted, that if any design be brought to the said registrar Discretionary to be registered under the said first-mentioned Act, and it shall appear to registry res him that the same ought to be registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under this present Act, it shall be in the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under the registered under t the same ought to be registered under the said register to refuse to register such design otherwise than books provided; and if it shall the said registrar to recuse to register the said registrar to recuse to register the present Act and in the manner hereby provided; and if it shall be present act and in the manner hereby provided; and if it shall be registered under the present Act and in the design brought to be registered under the said registrar that the design brought to be applied to any the said registrar that all action intended to be applied to any article of manufacture, but only to some label, wrapper, or other covering in which such article might be exposed for sale, or that such design is contrary to public Imorality or order, it shall be lawful for the said registrar, in his wholly to refuse to register such design: Provided always, that the Appeal to Board of I lords of the said committee of privy council may, on representation made to against refusal them by the proprietor of any design so wholly refused to be registered as to register. aforesaid. if they shall see fit, direct the said registrar to register such design, where Pon and in such case the said registrar shall be and is hereby required

registry vested

to register the same accordingly. X AND be it enacted, that every person shall be at liberty to inspect the Inspection of index of titles index of the titles of the designs, not being ornamental designs, registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person at liberty to inspect any such design, and to take copies thereof, pay-

index of titles of designs, &c. ing such fee as aforesaid; but no design whereof the copyright shall not have expired shall be open to inspection, except in the presence of such registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

Interpretation of Act.

XI. AND, for the interpretation of this Act, be it enacted, that the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows; (that is to say,) the expression "commissioners of the Treasury" shall mean the lord high treasurer for the time being, or the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number, and the masculine gender shall include the feminine gender as well as the masculine gender.

CHAPTER LXVI.

An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment.

[22d August 1843.]

3 Geo. 4. c. 39.

HEREAS an Act was passed in the session of the third year of the reign of his late Majesty King George the Fourth, intituled "An " Act for preventing frauds upon creditors by secret warrants of attorney to " confess judgment," by which, among other things, it was enacted, that the clerk of the dockets and judgments in his said late Majesty's Court of King's Bench should cause every warrant of attorney and cognovit actionem in any personal action, and every copy thereof, which in and by the said recited Act are directed to be filed in his said office, to be numbered, and should keep a book or books in his said office in which he should cause to be fairly entered the particulars in the said Act set forth, according to the form contained in the schedule to the said Act annexed, which said book or books, and every warrant of attorney and cognovit actionem, or copy thereof, filed in the said office, should be searched and viewed by all persons at all seasonable times, paying to the officer for every search against one person the sum of sixpence, and no more: And whereas it is expedient that greater facilities should be given to persons in searching such book or books and obtaining the information contained therein, and that the provisions of the said Act should be enlarged: May it therefore please your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and immediately after the passing of this Act the said officer of the said Court of Queen's Bench shall, in addition to the book in and by the above-recited Act directed to be kept by him, keep another book or index, in which he shall cause to be fairly inserted, as and when such warrants of attorney or cognovits actionem are filed in manner as directed by the said Act, the names, additions. and descriptions of the respective defendants or persons giving such warrants of attorney or cognovits actionem, but containing no farther particulars

In addition to the book directed to be kept by the recited Act, another book or index shall be kept of names, &c. of persons by whom warrants of attorney or cognovits actionem are given; which shall be open to inspection, on payment of 1s.

thereof; which book or index all persons shall be permitted to search for themselves, paying to the officer for such search the sum of one shilling, such payment being in addition to the payment of sixpence provided by the said Act to be paid for every search against one person in the book or books provided to be kept under the authority of the said Act.

CHAPTER LXVII.

An Act to enable Parties to sue out and prosecute Writs of Error in certain Cases upon the Proceedings on Writs of Mandamus. [22d August 1843.]

HEREAS writs of mandamus are issued by her Majesty's Court of Queen's Bench and the courts of the counties palatine, and the application for the same must now be made in those courts respectively alone: And Whereas writs of mandamus are frequently awarded, and often in cases of considerable importance, and the practice of issuing such writs hath of late very much increased: And whereas it is expedient that parties interested in the issuing of or in the proceedings upon such writs respectively shall be enabled in certain cases to have the judgments and decisions of the said Court of Queen's Bench, and courts of the counties palatine respectively, in respect of the said write and of the proceedings thereon, reviewed by a court of error, if they shall so think fit, and that a certain mode of effecting the same shall be ordained and established: And whereas by a certain Act made and passed in the ninth Year of the reign of Queen Anne, intituled "An Act for rendering the pro- 9 Ann. c. 25. "ceedings upon writs of mandamus and informations in the nature of a quo "Warranto more speedy and effectual, and for the more easy trying and deter-"mining the rights of offices and franchises in corporations and boroughs," it Was enacted, amongst other things, that in certain cases therein mentioned, When a writ of mandamus should issue and a return should be made thereunto, it should be lawful for the person suing or prosecuting such writ to plead to or traverse all or any of the material facts contained within the said return to which the person making such return should reply, take issue, or demur, and such further proceedings in such manner should be had therein for the determination thereof as might have been had if the person suing such writ had brought his action on the case for a false return: And whereas by an 1 Will. 4. c. 21. Act Passed in the first year of the reign of the late King William the Fourth the said provision herein-before mentioned of the said herein first-recited Act was extended to writs of mandamus in all other cases, and to the proceedings thereon: And whereas in neither of the said recited Acts, nor in any other Act, is any power or authority given to the person prosecuting such writ of manda mus to demur to the return made to any such writ, so that the decision of the said courts respectively as to the validity of such return could be reviewed by a court of error: For remedy whereof, therefore, be it enacted by In order to object to a the Queen's most excellent Majesty, by and with the advice and consent of the return to a spiritual and temporal, and commons, in this present Parliament mandamus the assembled, and by the authority of the same, that in all cases in which the must demur. person prosecuting any such writ heretofore issued or hereafter to be issued shall wish or intend to object to the validity of any return already made or

Proceedings upon demurrer.

hereafter to be made to the same, he shall do so by way of demurrer to the same, in such and the like manner as is now practised and used in the courts herein-before mentioned respectively in personal actions; and thereupon the said writ and return and the said demurrer shall be entered upon record in the said courts respectively, and such and the like further proceedings shall be thereupon had and taken as upon a demurrer to pleadings in personal actions in the said courts respectively; and the said courts respectively shall thereupon adjudge either that the said return is valid in law, or that it is not valid in law, or that the writ of mandamus is not valid in law; and if they adjudge that the said writ is valid in law, but that the return thereto is not valid in law, then and in every such case they shall also by their said judgment award that a peremptory mandamus shall issue in that behalf, and thereupon such peremptory writ of mandamus may be sued out and issued accordingly, at any time after four days from the signing of the said judgment; and it shall be lawful for the said courts respectively, and they are hereby required, in and by their said judgment to award costs to be paid to the party in whose favour they shall thereby decide by the other party or parties.

Costs,

Writ of error may be sued out to reverse any judgment.

II. And be it enacted, that whenever any such judgment as is herein-before mentioned shall be given, or whenever issue in fact or in law shall be joined upon any pleadings in pursuance of the said recited Acts or either of them, and judgment shall be given thereon by any of the courts aforesaid, it shall be lawful for any party to the record in any of such cases who shall think himself aggrieved by such judgment to sue out and prosecute a writ of error for the purpose of reversing the same, in such manner and to such court or courts as a party to any personal action in the said court may now sue out and prosecute a writ of error upon the judgment in such action; and such and the like proceedings shall thereupon be had and taken, and such costs awarded, as in ordinary cases of writs of error upon judgments of the said courts respectively in personal actions; and if the judgment of such court be reversed by the Court of Error the said Court of Error shall thereupon by their judgment not only reverse the same, but shall also in addition thereto give the same judgment which the court whose judgment is so reversed ought to have given in that behalf; and if by their said judgment they shall award that a peremptory writ of mandamus shall issue the same shall and may accordingly be issued by the proper officer in the office from which such writs issue, as the case may be, upon production to him of an office copy of the said judgment of the Court of Error, which shall be his authority and warrant for so doing: Provided always, that bail in error to the amount of fifty pounds, or such other sum as may by any rule of practice be appointed as herein-after provided, shall be duly put in within four days after the allowance of the said writ of error, and the same shall afterwards be duly perfected according to the practice of the court wherein the said original judgment was given, otherwise the plaintiff in error shall be deemed to have abandoned his writ of error, and the same shall not be further prosecuted.

No action against person acting under peremptory writ of mandamus. III. AND be it exacted, that no action, suit, or any other proceeding shall be commenced or prosecuted against any person or persons whatsoever for or by reason of any thing done in obedience to any peremptory writ of mandamus issued by any court having authority to issue writs of mandamus.

IV. AND be it enacted, that the said Courts of Error who are hereby Court of Error empowered to take cognizance of the matters aforesaid may make, and they rules. are hereby directed to make, from time to time and as often as they shall see occasion, such rules of practice in reference to the said application and the proceedings thereon, and in reference to the writs of error herein-before mentioned and the proceedings thereon, and the amount of bail to be taken, as the said courts respectively may deem necessary to effectuate the intention of this Act in relation to the same respectively.

CHAPTER LXVIII.

An Act for regulating Theatres.

[22d August 1843.]

WHEREAS it is expedient that the laws now in force for regulating theatres and theatrical performances be repealed, and other provisions be enacted in their stead: . . .

. it shall not be lawful for any person to have All theatres or keep any house or other place of public resort in Great Britain, for the formance of Public performance of stage plays, without authority by virtue of letters plays must Patent from her Majesty, her heirs and successors, or predecessors, or without licence from the lord chamberlain of her Majesty's household for the time being, or from the justices of the peace as herein-after provided; and every person Penalty. who shall offend against this enactment shall be liable to forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be on victed, not exceeding twenty pounds for every day on which such house or shall have been so kept open by him for the purpose aforesaid, without gal authority.

III. AND be it enacted, that the authority of the lord chamberlain for What licences anting licences shall extend to all theatres (not being patent theatres) within granted he parliamentary boundaries of the cities of London and Westminster, and of the lord boroughs of Finsbury and Marylebone, the Tower Hamlets, Lambeth, and wthwark, and also within those places where her Majesty, her heirs and cessors, shall, in their royal persons, occasionally reside: Provided always, except within the cities and boroughs aforesaid, and the boroughs of New dsor in the county of Berks, and Brighthelmstone in the county of Sussex, aces for theatres may be granted by the justices as herein-after provided, in hose places in which her Majesty, her heirs and successors, shall occasionally reside; but such licences shall not be in force during the residence there of her Majesty, her heirs and successors; and during such residence it shall not be lawful to open such theatres as last aforesaid (not being patent theatres) without the licence of the lord chamberlain.

IV. AND be it enacted, that for every such licence granted by the lord Fee for lord chamberlain a fee, not exceeding ten shillings for each calendar month during licence. which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the lord chamberlain, shall be paid to the lord chamberlain.

V. AND be it enacted, that the justices of the peace within every county, Licences may riding, division, liberty, cinque port, city, and borough in Great Britain beyond justices. the limits of the authority of the lord chamberlain, in which application shall

have been made to them for any such licence as is herein-after mentioned, shall, within twenty-one days next after such application shall have been made to them in writing signed by the party making the same, and countersigned by at least two justices acting in and for the division within which the property proposed to be licensed shall be situate, and delivered to the clerk to the said justices, hold a special session in the division, district, or place for which they usually act, for granting licences to houses for the performance of stage plays, of the holding of which session seven days notice shall be given by their clerk to each of the justices acting within such division, district, or place; and every such licence shall be given under the hands and seals of four or more of the justices assembled at such special session, and shall be signed and sealed in open court, and afterwards shall be publicly read by the clerk, with the names of the justices subscribing the same.

Fee for justices licence.

VI. AND be it enacted, that for every such licence granted by the justices a fee, not exceeding five shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the justices, shall be paid to the clerk of the said justices.

To whom licences shall be granted.

VII. AND be it enacted, that no such licence for a theatre shall be granted by the lord chamberlain or justices to any person except the actual and responsible manager for the time being of the theatre in respect of which the licence shall be granted; and the name and place of abode of such manager shall be printed on every play bill announcing any representation at such theatre; and such manager shall become bound himself in such penal sum as the lord chamberlain or justices shall require, being in no case more than five hundred pounds, and two sufficient sureties, to be approved by the said lord chamberlain or justices, each in such penal sum as the lord chamberlain or justices shall require, being in no case more than one hundred pounds, for the due observance of the rules which shall be in force at any time during the currency of the licence for the regulation of such theatre, and for securing payment of the penalties which such manager may be adjudged to pay for breach of the said rules, or any of the provisions of this Act.

Lord Chamberlain may suspend any licence granted by him, or order any theatre licensed by him, or any patent theatre, to be closed on public occas.ons. VIII. AND be it enacted, that in case it shall appear to the lord chamberlain that any riot or misbehaviour has taken place in any theatre licensed by him, or in any patent theatre, it shall be lawful for him to suspend such licence or to order such patent theatre to be closed for such time as to him shall seem fit; and it shall also be lawful for the lord chamberlain to order that any patent theatre or any theatre licensed by him shall be closed on such public occasions as to the lord chamberlain shall seem fit; and while any such licence shall be suspended, or any such order shall be in force, the theatre to which the same applies shall not be entitled to the privilege of any letters patent or licence, but shall be deemed an unlicensed house.

Rules for enforcing order in the theatres licensed by the justices. IX. And be it enacted, that the said justices of the peace at a special licensing session, or at some adjournment thereof, shall make suitable rules for insuring order and decency at the several theatres licensed by them within their jurisdiction, and for regulating the times during which they shall severally be allowed to be open, and from time to time, at another special session, of which notice shall be given as aforesaid, may rescind or alter such rules; and it shall be lawful for any one of her Majesty's principal secretaries of state to rescind or alter any such rules, and also to make such other rules for the like

purpose, as to him shall seem fit; and a copy of all rules which shall be in force for the time being shall be annexed to every such licence; and in case any riot or breach of the said rules in any such theatre shall be proved on oath before any two justices usually acting in the jurisdiction where such theatre is situated, it shall be lawful for them to order that the same be closed for such time as to the said justices shall seem fit; and while such order shall be in force the theatre so ordered to be closed shall be deemed an unlicensed house.

X. Provided always, and be it enacted, that no such licence shall be in licences within force within the precincts of either of the universities of Oxford or the precincts Cambridge, or within fourteen miles of the city of Oxford or town of Cambridge, without the consent of the chancellor or vice chancellor of each universities of of the said universities respectively; and that the rules for the management Cambridge, of any theatre which shall be licensed with such consent within the limits aforesaid shall be subject to the approval of the said chancellor or vice chancellor respectively; and in case of the breach of any of the said rules, or of any condition on which the consent of the chancellor or vice chancellor to grant any such licence shall have been given, it shall be lawful for such chancellor or vice chancellor respectively to annul the licence, and thereupon such licence shall become void.

XI. And be it enacted, that every person who for hire shall act or present, Penalty on or cause, permit, or suffer to be acted or presented, any part in any stage play, forming in in any place not being a patent theatre or duly licensed as a theatre, shall unlicensed forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be convicted, not exceeding ten pounds for every day on which he shall so offend.

XII. And be it enacted, that one copy of every new stage play, and of every No new plays new act, scene, or other part added to any old stage play, and of every new prologue or epilogue, and of every new part added to an old prologue or acted until epilogue, intended to be produced and acted for hire at any theatre in Great the lord chamballain Britain, shall be sent to the lord chamberlain of her Majesty's household for the time being, seven days at least before the first acting or presenting thereof, with an account of the theatre where and the time when the same is intended to be first acted or presented, signed by the master or manager, or one of the masters or managers, of such theatre; and during the said seven days no person shall for hire act or present the same, or cause the same to be acted or oresented; and in case the lord chamberlain, either before or after the expiration the said period of seven days, shall disallow any play, or any act, scene, or thereof, or any prologue or epilogue, or any part thereof, it shall not be for any person to act or present the same, or cause the same to be acted Presented, contrary to such disallowance.

AND be it enacted, that it shall be lawful for the lord chamberlain to Fees to be arge such fees for the examination of the plays, prologues, and epilogues, or paid for examination of plays, arts thereof, which shall be sent to him for examination, as to him from time &c. o time shall seem fit, according to a scale which shall be fixed by him, such fee not being in any case more than two guineas, and such fees shall be paid at the time when such plays, prologues, and epilogues, or parts thereof, shall be sent to the lord chamberlain; and the said period of seven days shall not begin to run in any case until the said fee shall have been paid to the lord chamberlain, or to some officer deputed by him to receive the same.

old ones to be

The lord chamberlain may forbid any play. XIV. And be it enacted, that it shall be lawful for the lord chamberlain for the time being, whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace, so to do, to forbid the acting or presenting any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, anywhere in Great Britain, or in such theatres as he shall specify, and either absolutely or for such time as he shall think fit.

Penalty for acting plays before they are allowed or after they have been disallowed. XV. And be it enacted, that every person who for hire shall act or present, or cause to be acted or presented, any new stage play, or any act, scene, or part thereof, or any new prologue or epilogue, or any part thereof, until the same shall have been allowed by the lord chamberlain, or which shall have been disallowed by him, and also every person who for hire shall act or present, or cause to be acted or presented, any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, contrary to such prohibition as aforesaid, shall for every such offence forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be convicted, not exceeding the sum of fifty pounds; and every licence (in case there be any such) by or under which the theatre was opened, in which such offence shall have been committed, shall become absolutely void.

What shall be evidence of acting for hire.

XVI. AND be it enacted, that in every case in which any money or other reward shall be taken or charged, directly or indirectly, or in which 'the purchase of any article is made a condition for the admission of any person into any theatre to see any stage play, and also in every case in which any stage play shall be acted or presented in any house, room, or place in which distilled or fermented exciseable liquor shall be sold, every actor therein shall be deemed to be acting for hire.

Proof of licence in certain cases to lie on the party accused.

XVII. And be it enacted, that in any proceedings to be instituted against any person for having or keeping an unlicensed theatre, or for acting for hire in an unlicensed theatre, if it shall be proved that such theatre is used for the public performance of stage plays, the burden of proof that such theatre is duly licensed or authorized shall lie on the party accused, and until the contrary shall be proved such theatre shall be taken to be unlicensed.

Penalties how to be recoverable.

XIX. And be it enacted, that all the pecuniary penalties imposed by this Act for offences committed in England may be recovered, in any of her Majesty's courts of record at Westminster, and for offences committed in Scotland by action or summary complaint before the Court of Session or Justiciary there, or for offences committed in any part of Great Britain in a summary way before two justices of the peace for any county, riding, division, liberty, city, or borough where any such offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or by the confession of the offender; and in default of payment of such penalty together with the costs, the same may be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be above the penalty, costs, and charge of distress; and for want of sufficient distress the offender may be imprisoned in the common gaol or house of correction of any such county, riding, division, liberty, city, or borough for any time not exceeding six calendar months.

Jurisdiction of justices.

Distress.

Imprisonment.

XX. And be it enacted, that it shall be lawful for any person who shall Appeal from think himself aggrieved by any order of such justices of the peace to appeal quarter sestherefrom to the next general or quarter session of the peace to be holden for sions. the said county, riding, division, liberty, city, or borough, whose order therein shall be final.

XXI. AND be it enacted, that the said penalties for any offence against Appropriation this Act shall be paid and applied in the first instance toward defraying the of penalties. expences incurred by the prosecutor, and the residue thereof (if any) shall be paid to the use of her Majesty, her heirs and successors.

XXII. PROVIDED always, and be it enacted, that no person shall be liable Limitation of to be prosecuted for any offence against this Act unless such prosecution shall be commenced within six calendar months after the offence committed.

XXIII. AND be it enacted, that in this Act the word "stage play" shall Interpretation be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomine, or other entertainment of the stage, or any part thereof: Provided always, that nothing herein contained shall be construed Exemption of to apply to any theatrical representation in any booth or show which by the performances at fairs, &c. justices of the peace, or other persons having authority in that behalf, shall be allowed in any lawful fair, feast, or customary meeting of the like kind.

XXIV. AND be it enacted, that this Act shall extend only to Great Extent of Act. Britain.

CHAPTER LXXIII.

An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales.

[22d August 1843.]

WHEREAS the laws relating to attornies and solicitors are numerous and complicated, and it is expedient to consolidate and simplify and to alter and amend the same: Be it therefore enacted by the Queen's most excellent Repeal of Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several Acts and parts of Acts set forth in the first part of the first schedule hereunto annexed, so far as the same relate to that part of the United Kingdom of Great Britain and Ireland called England and Wales, shall be and the same are hereby repealed, save only and except so far as such Acts or parts of Acts, or any of them, repeal the whole or any part of rued to repeal or alter any of the Acts or parts of Acts mentioned to be saved the second part of the first schedule hereunto annexed.

II. AND be it enacted, that from and after the passing of this Act no person No person to all act as an attorney or solicitor, or as such attorney or solicitor sue out any attorney or it or process, or commence, carry on, solicit, or defend any action, suit, or solicitor unless ner Proceeding, in the name of any other person or in his own name, in her enrolled. Desty's High Court of Chancery, or courts of Queen's Bench, Common Pleas, Exchequer, or Court of the Duchy of Lancaster, or Court of the Duchy hamber of Lancaster at Westminster, or in any of the courts of the counties alatine of Lancaster and Durham, or in the Court of Bankruptcy,

. . , or in any county court, or in any court of civil or criminal

jurisdiction, or in any other court of law or equity in that part of the United Kingdom of Great Britain and Ireland called England and Wales, or act as an attorney or solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of over and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice or justices, or before any commissioners of her Majesty's revenue, unless such person shall have been previously to the passing of this Act admitted and enrolled and otherwise duly qualified to act as an attorney or solicitor under or by virtue of the laws now in force, or unless such person shall after the passing of this Act be admitted and enrolled and otherwise duly qualified to act as an attorney or solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on the roll at the time of his acting in the capacity of an attorney or solicitor as aforesaid.

III. And be it enacted, that, except as herein-after mentioned, no person

No person to be admitted an attorney or solicitor unless he shall have served a clerkship of five years, and have been examined and sworn.

Proviso as to persons serving clerkship to attornies of courts of Lancaster and Durham. shall from and after the passing of this Act be capable of being admitted and enrolled as an attorney or solicitor, unless such person shall have been bound by contract in writing to serve as clerk for and during the term of five years to a practising attorney or solicitor in England or Wales, and shall have duly served under such contract for and during the said term of five years, and also unless such person shall, after the expiration of the said term of five years, have been examined and sworn in the manner herein-after directed: Provided always, that any person who now is or shall hereafter be bound by contract in writing to serve as clerk to a practising attorney or solicitor of the Court of Common Pleas of the county palatine of Lancaster or the Court of Pleas of the county palatine of Durham respectively for the term of five years, and shall continue in such service for and during the said term, and shall during the whole of such term have been actually employed by such attorney or solicitor, or by the London agent of any such attorney or solicitor, or by any practising barrister or special pleader, with the consent of such attorney or solicitor, for any part of the said term not exceeding one year, shall be admitted and enrolled an attorney of the said last-mentioned courts respectively as hereto-

No attorney to have more than two clerks at one time, or to take or retain any clerk after discontinuing business, nor whilst employed as clerk to another attorney.

IV. And be it enacted, that no attorney or solicitor shall have more than two clerks at one and the same time who shall be bound by such contract in writing as aforesaid to serve him as clerks; and that no attorney or solicitor shall take, have, or retain any clerk who shall be bound by contract in writing as aforesaid after such attorney or solicitor shall have discontinued or left off practising as or carrying on the business of an attorney or solicitor, nor whilst such attorney or solicitor shall be retained or employed as a writer or clerk by any other attorney or solicitor; and service by any clerk under articles to an attorney or solicitor, for and during any part of the time that such attorney or solicitor shall be so employed as writer or clerk by any other attorney or solicitor, shall not be deemed or accounted as good service under such articles.

In case attorney become bankrupt, or be imprisoned for debt, his articled clerks V. AND be it further enacted, that in case any attorney or solicitor to, whom any clerk shall be bound by contract in writing as aforesaid shall, before the end or determination of such contract, become bankrupt, , or be imprisoned for debt and remain in prison for the space of

venty-one days, it shall be lawful for any of the said courts of law or equity may be disherein such attorney or solicitor is admitted as aforesaid, upon the applicaon of such clerk, to order and direct the said contract to be discharged, or ed to another signed to such person, upon such terms, and in such manner, as the said court attorney. all think fit.

VI. PROVIDED always, and be it enacted, that any person who now is or Persons bound reafter shall be bound by contract in writing to serve as a clerk to a pracing attorney or solicitor for the term of five years, and who shall actually year with a d bona fide be and continue as pupil with and as such be employed by any actising barrister, or any person bona fide practising as a certificated special and one year eader, in England or Wales, for any part of the said term, not exceeding one agent. hole year, and in addition thereto or instead thereof with the London agent the attorney or solicitor to whom any such person shall be so bound by ntract as aforesaid for any part of the said term not exceeding one year, ther by virtue of any stipulation in such contract, or with the permission of ch attorney or solicitor, shall be capable of being examined, and sworn and mitted and enrolled as an attorney or solicitor, in the same manner as if he d served the whole of the said period of five years with the attorney or

licitor to whom he may be so bound.

barrister or special pleader.

VIII. And be it enacted, that whenever any person shall after the passing Affidavit to be f this Act be bound by contract in writing to serve as a clerk to any attorney or solicitor as aforesaid, the attorney or solicitor to whom such person shall be months of o bound as aforesaid shall, within six months after the date of every such articles, and ontract, make and duly swear, or cause or procure to be made and duly the articles to worn, an affidavit or affidavits of such attorney or solicitor having been duly and registered. dmitted, and also of the actual execution of every such contract by him the aid attorney or solicitor and by the person so to be bound to serve him as a erk as aforesaid; and in every such affidavit shall be specified the names of 'ery such attorney or solicitor and of every such person so bound, and their aces of abode respectively, together with the day on which such contract is actually executed; and every such affidavit shall be filed within six onths Dext after the execution of the said contract with and by the officer pointed or to be appointed for that purpose as herein-after mentioned, who ill thereu pon enrol and register the said contract, and shall make and sign nemorandum of the day of filing such affidavit upon such affidavit and also on the said contract.

IX. PROVIDED always, and be it enacted, that in case such affidavit be not If affidavit d within such six months the same may be filed by the said officer after within six expiration thereof, but the service of such clerk shall be reckoned to comence and be computed from the day of filing such affidavit, unless one of the reckon from d courts of law or equity shall otherwise order.

AND be it enacted, that no person who shall from and after the passing it be otherwise this Act become bound as aforesaid shall be admitted an attorney or solicitor ordered. fore such affidavit so marked as aforesaid shall have been produced to the be produced or judge to whom such person shall apply to be admitted an attorney on applying for admission. r solicitor in pursuance of the provisions herein-after contained, unless such ourt or judge shall be satisfied that the same cannot be produced, and shall link fit to dispense with the production thereof.

filing, unkes

Book to be kept for entering the substance of affidavits, with the names, &c. of attorney and clerk, &c. which may be searched.

Fees as in second schedule to be taken for filing affidavits, &c.

Clerks to be employed in practice during time of service.

Clerks whose masters have died or left off practice may enter into fresh contracts for the residue of their term.

Clerks before admission to make or obtain affidavits of having duly served their time.

Persons on applying for admission as attornies to be XI. AND be it enacted, that the officer so appointed or to be appointed for filing such affidavits as aforesaid shall keep a book wherein shall be entered the substance of every affidavit which shall be so filed as aforesaid, specifying the name and place of abode of the attorney or solicitor to whom any person shall be bound to serve as a clerk, and of the clerk or person who shall be so bound as aforesaid, and of the person making such affidavit, with the date of the articles or contract in such affidavit mentioned or referred to, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the sum mentioned in the second schedule to this Act annexed, and no more, as a recompence for his trouble in filing such affidavits and preparing and keeping such books as aforesaid; and such books shall and may be searched in office hours by any person whomsoever, without fee or reward.

XII. AND be it enacted, that every person who now is or hereafter shall be bound by contract in writing to serve as a clerk to any attorney or solicitor shall, during the whole time and term of service to be specified in such contract, continue and be actually employed by such attorney or solicitor in the proper business, practice, or employment of an attorney or solicitor, save only and except in the cases herein-before mentioned.

XIII. AND be it enacted, that if any attorney or solicitor to or with whom any such person shall be so bound shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as an attorney or solicitor, or if such contract shall by mutual consent of the parties be cancelled, or in case such clerk shall be legally discharged before the expiration of such term by any rule or order of the court wherein such attorney or solicitor shall have been admitted, such clerk shall and may in any of the said cases be bound by another contract or other contracts in writing to serve as clerk to any other practising attorney or solicitor, or attornies or solicitors, during the residue of the said term, and service under such second or other contract in manner herein-before mentioned shall be deemed and taken to be good and effectual, provided that an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in the manner herein-before directed, and subject to the like regulations with respect to the original contract and affidavit of the execution thereof.

XIV. And be it enacted, that every person who shall have been or shall be bound as a clerk as aforesaid shall, before he be admitted an attorney or solicitor according to this Act, prove, by an affidavit of himself or of the attorney or solicitor to whom he was bound as aforesaid, or such agent, barrister, or special pleader as aforesaid, to be duly made and filed with the proper officer herein-before mentioned, that he hath actually and really served and been employed by such practising attorney, solicitor, agent, barrister, or special pleader, during the whole time and in the manner required by the provisions of this Act, and in the form to be approved by the judges of the court wherein such person shall apply to be admitted.

XV. And be it enacted, that it shall be lawful for the judges of the said courts of Queen's Bench, Common Pleas, and Exchequer, or any one or more of them, and he and they is and are hereby authorized and required, before he

or they shall issue a fiat for the admission of any person to be an attorney, to examined by examine and inquire, by such ways and means as he or they shall think judges of comproper, touching the articles and service, and the fitness and capacity of such or examiners person to act as an attorney; and if the judge or judges as aforesaid shall be fitness, and satisfied by such examination, or by the certificate of such examiners as capacity. herein-after mentioned, that such person is duly qualified and fit and competent to act as an attorney, then, and not otherwise, the said judge or judges shall and he and they is and are hereby authorized and required to administer Oath to be or cause to be administered to such person the oath herein-after directed to be administered, taken by attornies and solicitors, in addition to the oath of allegiance [4], and after such oaths taken to cause him to be admitted an attorney of such court, and clerks and his name to be enrolled as an attorney of such court, which admission hall be written on parchment, and signed by such judge or judges respectively, nd shall be stamped with the stamps by law required to be impressed on the Stamp duty on dmission of attornies.

admission.

XVI. AND for the purpose of facilitating the inquiry touching the due ervice un der articles as aforesaid, and the fitness and capacity of any person act as an terrey, be it enacted, that it shall be lawful for the judges of Judges to ne courts • Queen's Bench, Common Pleas, and Exchequer, (or any eight or appoint examnore of them, of whom the chiefs of the said courts shall be three,) from time time to mainte and appoint such persons to be examiners for the purposes foresaid, and to make such rules and regulations for conducting such examiation, as such judges shall think proper.

XVII. AND be it enacted, that it shall be lawful for the master of the rolls, Persons applynd he is hereby authorized and required, before he shall admit any person to ing for admisbe a solicitor, to examine and inquire, by such ways and means as he shall tors to be hink proper, touching the fitness and capacity of such person to act as a examined by colicitor, and for that purpose from time to time to appoint such persons as rolls or exaexaminers, and to make such orders and regulations for conducting such fitness and examination, as he shall think proper; and if the master of the rolls shall, by capacity. such examiners, be satisfied that such person is duly qualified to be admitted to act as a solicitor, then, and not Oath to be otherwise, the master of the rolls shall and he is hereby authorized to admincause to be administered to such person the oath herein after directed be taken by attornies and solicitors, in addition to the oath of allegiance [1], and clerks thereupon after such oaths taken to cause him to be admitted a solicitor in the Court Chancery, and his name to be enrolled as a solicitor in such court, which imission shall be written on parchment, and signed by the master of the Stamp duty on admission. shall be stamped with the stamps by law required to be impressed admission. on the admission of solicitors.

YIII. PROVIDED always, and be it enacted, that it shall be lawful for the The master of the rolls, jointly with the judges of the courts of Queen's Bench, jointly with Pleas, and Exchequer, or with any eight or more of them, (of whom the judges, chiefs of the said courts shall be three,) if they shall see fit so to do, examiners

[[] Sections 15 and 17 are rep., so far as they relate to the oath of allegiance, Stat. Law Rev. Act, 1874 (No. 2).]

for examination of persons applying to be admitted as both attornies and solicitors.

and make rules to nominate and appoint examiners, and to make rules and regulations for conducting the examinations of persons applying to be admitted as attornies and selicitors, as well touching the articles and service as the fitness and capacity of such persons to act both as attornies and solicitors; and if the master of the rolls or any of the judges of the said courts of common law shall, by such examination, or by the certificate of such examiners, be satisfied that such person is duly qualified to be admitted to act as an attorney and solicitor, then, and not otherwise, the master of the rolls as to the Court of Chancery, and one of the judges as to the said courts of law at Westminster, shall and he is hereby authorized to administer or cause to be administered to such person the oath herein-after directed to be taken by solicitors and attornies, in addition to the oath of allegiance, and after such caths taken to cause him to be admitted an attorney and solicitor, and his name to be enrolled as an attorney of the said courts of law at Westminster, and also a solicitor of the said High Court of Chancery, which admissions shall be written on parchment; and signed by the master of the rolls or one of the judges of the said courts of law at Westminster, as the case may be.

Administration of oath to and admission of such persons.

Attornies and solicitors. before admission, to take oath.

XIX. And be it enacted, that every person who shall pursuant to this Act apply to be admitted an attorney or solicitor shall, before he be admitted and enrolled as aforesaid, take and subscribe the oath, or, if he be one of the people called Quakers, the affirmation following:

A.B. do swear [or solemnly affirm, as the case may be], that I will truly and honestly demean myself in the practice of an attorney [or solicitor, 'as the case may be,] according to the best of my knowledge and ability. • So help me GOD.'

The proper officers for filing affidavits, and for having the care of the rolls.

Names of attornies to be enrolled in alphabetical order.

XX. AND be it enacted, that from and after the passing of this Act the masters of the several courts of law at Westminster, or such other person or persons as the lord chief justice of the Court of Queen's Bench, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer shall for that purpose severally and respectively appoint, shall be deemed and taken to be the proper officers for filing such affidavits as aforesaid in the said respective courts, and they shall have the custody and care of the rolls or books wherein persons are at present enrolled as attornies in the said respective courts, and shall and they are hereby respectively required from time to time, without fee or reward, other than such sum or sums as are mentioned in the second schedule hereunto annexed, to enrol the name of every person who shall be admitted an attorney in the said respective courts, pursuant to the directions in this Act, and the time when admitted, in alphabetical order, in rolls or books to be provided and kept for that purpose in their several and respective offices; and also that the Queen's remembrancer in the Court of Exchequer or his deputy, and the chief clerk of the Court of the Duchy Chamber of Lancaster at Westminster or his deputy, and the prothonotaries of the courts of the counties palatine of Lancaster and Durham or their deputies, or such person or persons as the lord chief justice of the Court of Queen's Bench, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer shall jointly appoint. shall have the custody and care of the rolls or books wherein persons are at present enrolled as attornies and solicitors in the said last-mentioned respective courts, which said prothonotaries of the courts of the counties palaine of Lancaster and Durham or their deputies, or such person or persons as hall be appointed as last mentioned, shall be deemed and taken to be the proper officers for filing such affidavits as herein-before mentioned in the Court f Common Pleas at Lancaster and the Court of Pleas at Durham respectively; nd he and they is and are hereby respectively required from time to time, vithout fee or reward, other than such sum or sums of money as are now ayable, to enrol the name of every person who shall be admitted an attorney n the said last-mentioned respective courts pursuant to the directions in this Act, and the time when admitted, in alphabetical order, in rolls or books to e provided and kept for that purpose in their several and respective offices; and also that the senior clerk of the Petty Bag Office in the Court of Chancery r his deputy, the chief clerk of the Duchy Chamber of Lancaster at Westninster or his deputy, the registrars of the respective courts of equity in the ounties palatine of Lancaster and Durham, or such other person or persons as he master of the rolls shall for that purpose appoint, shall have the custody and care of the rolls or books wherein persons are at present enrolled as olicitors, and which said clerk of the petty bag office, or such other person or ersons as sinall be appointed as last mentioned, shall be deemed and taken s the proper officer or officers for filing such affidavits as herein-before dentioned in the Court of Chancery; and he and they is and are hereby lso respectively required from time to time, without fee or reward other enrolled in han as last aforesaid, to enrol the name of every person who shall be ad-alphabetical itted a solicitor pursuant to the directions in this Act, and the time when lmitted, in alphabetical order, in rolls or book to be kept for that purpose, which rolls or books in the said courts of law or equity respectively all rsons shall and may have free access, without fee or reward.

XXI. AND be it enacted, that from and after the passing of this Act there Registrar of all be a registrar of attornies and solicitors, and that it shall be the duty of solicitors. th registrar to keep an alphabetical roll or book, or rolls or books, of all ornies and solicitors, and to issue certificates of persons who have been enrolled as attornies or solicitors, and are entitled to take out aped certificates authorizing them to practise as such; and it shall be lawful and for the lord chief justice of her Majesty's Court of Queen's Bench, the ster of the rolls, the lord chief justice of the Court of Common Pleas, and lord chief baron of the Court of Exchequer, (or any three of them, of nom the master of the rolls shall be one,) to make such orders, directions, d regulations touching the performance and execution of the duties aforesaid they shall think proper; and such registrar, or some person duly appointed y him, shall have free access to and shall be at liberty from time to time to zamine and take copies or extracts, without fee or reward, of all rolls or books cept for the enrolment of attornies and solicitors in any of the courts at Westminster, and for the enrolment of attornies and solicitors in the Court of the Duchy of Lancaster, or Court of the Duchy Chamber of Lancaster at Westminster, or in any courts of the counties palatine of Lancaster and Durham; and that the duties of such office of registrar shall be performed by the incor. Duties of the porated "Society of Attornies, Solicitors, Proctors, and others, not being formed by the "Barristers, practising in the Courts of Law and Equity of the United King-Incorporated " dom," whether by their present or any future charter of incorporation, unless until a registrar

and until the lord chief justice of the Court of Queen's Bench, the master of is appointed.

the rolls, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer, (or any three of them, of whom the master of the rolls shall be one,) shall, by any order under their hands, which order they are hereby authorized and empowered to make, appoint any fit and proper person to perform the said duties in the place and stead of the said society, (which said person shall be called the registrar of attornies and solicitors, and shall hold such office or employment during pleasure only,) and so from time to time to appoint any other fit and proper person, or the said society, to perform the said duties during pleasure.

Commissioner of stamps not to grant any stamped certificate without certificate from registrar that the person applying is entitled thereto.

Declaration shall be delivered to registrar by applicant for certificate, and entered in a book; XXIII. And be it enacted, that for the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, signed by such attorney or solicitor or by his partner, or in case such attorney or solicitor shall reside more than twenty miles from London then by his London agent on his behalf, containing his name and place of residence, and the court or one of the courts of which he is then admitted an attorney or solicitor, together with the term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all the particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward; and the said registrar shall, after the expiration of six days after the delivery of such declaration, (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the said roll of attornies or solicitors), deliver to the said attorney or solicitor, or to his agent, on demand, a certificate

and registrar on demand shall grant a certificate.

On registrar's refusal to grant certificate application to be made to court.

XXIV. AND be it enacted, that in case the said registrar shall decline to issue such certificate as he is herein-before directed and required to give, the party so applying for the same, if an attorney, shall and may apply to any of the said courts of law at Westminster, or to any judge thereof, or, if a solicitor, to the master of the rolls, who are hereby respectively authorized to make such order in the matter as shall be just, and to order payment of costs by and to either of the parties, if they shall see fit.

Persons practising without stamped certificate ineapable of recovering fees. XXVI. AND be it enacted, that no person who as an attorney or solicitor shall sue, prosecute, defend, or carry on any action or suit, or any proceedings, in any of the courts aforesaid, without having previously obtained a stamped certificate which shall be then in force, shall be capable of maintaining any action or suit at law or in equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter, or thing done by him as an attorney or solicitor as aforesaid whilst he shall have been without such certificate as last aforesaid.

XXVII. And be it enacted, that every person who shall have been duly Persons duly dmitted an attorney of any one of the superior courts of law at Westminster nies in one hall be entitled, upon the production of his admission therein, or an official superior court ertificate thereof, and that the same still continues in force, to be admitted as admitted in and n attorney in any other of the said courts, or in any inferior court of law in capable of England and Wales, upon signing the roll of such other court, but not other- all other vise, and shall thereupon be entitled to practise as an attorney therein in like courts, on namer as if he had been sworn in and admitted an attorney of such court: rolls, without Provided always, that no additional fee besides those payable by virtue of this act shall be demanded or paid; and that every person who shall have been Persons duly luly admitted a solicitor of the High Court of Chancery shall be entitled, solicitors in Pon the production of his admission therein, or an official certificate thereof, chancery and that the same still continues in force, to be admitted as a solicitor in any mitted in and nferior court of equity in England and Wales, and in the Court of Bankruptcy, Pon signing the roll of such other court, but not otherwise, and shall there-bankruptcy upon be entitled to practise as a solicitor therein in like manner as if he had and in all been sworn in and admitted a solicitor of such court: Provided also, that no of equity, on additional fee besides those payable by virtue of this Act shall be demanded or

XXVIII. AND be it enacted, that no person who shall have duly served his Persons duly Clerkship under articles in writing, pursuant to the provisions of this Act, shall prevented or disqualified from being admitted and enrolled as an attorney qualified by r solicitor, nor liable to be struck off the roll if admitted, by reason or in conto whom they prence of the attorney or solicitor to whom he may have been bound by such rticles having been after such service struck off the roll: Provided that such elerk or person be otherwise entitled to be admitted and enrolled, according to e provisions herein-before contained.

XXIX. And be it enacted, that no person who has been admitted and olled shall be liable to be struck off the roll for or on account of any defect he articles of clerkship, or in the registry thereof, or in his service under articles, or in his admission and enrolment, unless the application for articles, &c. king him off the roll be made within twelve months from the time of his ission and enrolment: Provided that such articles, registration, service, months of ission, or enrolment be without fraud.

XX. And be it enacted, that, until the same shall be varied or altered Fees as in mant to the provision herein-after contained, the several sums of money tioned in the second schedule to this Act annexed shall and may be taken taken for received for the services and purposes mentioned and specified therein: mentioned. vided always, that it shall be lawful to and for the lord chief justice of her jesty's Court of Queen's Bench, the master of the rolls, the lord chief justice Increase or the Court of Common Pleas, and the lord chief baron of the Court of schequer, (or any three of them, of whom the master of the rolls shall be e,) from time to time to diminish or increase the said sums or any of them, they shall see fit, so that by such diminution they be not reduced to less an one half, or by such increase be not made to exceed by more than one alf the amount mentioned in the said schedule: Provided also, that it shall be wful for the lord chief justices and the lord chief baron to make any order r orders for the payment and appropriation of the same sums, so far as they

shall be adcapable of practising in inferior courts signing the rolls, without additional fees.

serving their articles not disattornies, &c. being afterwards struck off

Applications the roll, for defects in to be made admission.

Appropriation

concern the said courts of common law, to such persons and in such manner as they shall think proper; and that it shall be lawful for the master of the rolls to make any order or orders for the payment and appropriation of the same sums, so far as they concern the said High Court of Chancery, to such persons and in such manner as he shall think fit; and no greater or other fees, rewards, or sums than herein-before mentioned or referred to shall be taken or received on any pretence whatsoever.

Attornies, &c. not to comsuits in their own names or in the name of any other attorney, if prisoners. Attornies, &c. offending to be punishable for contempt of court:

XXXI. And be it enacted, that no attorney or solicitor who shall be a menceordefend prisoner in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, shall or may, during his confinement in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, as an attorney or solicitor, in his own name or in the name of any other attorney or solicitor, sue out any writ or process, or commence or prosecute or defend any action or suit, in any courts of law or equity, or matter in bankruptcy; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid, and any attorney or solicitor permitting or empowering any such attorney or solicitor as aforesaid to commence, prosecute, or defend any action or suit in his name, shall be deemed to be guilty of a contempt of the court in which any such action or suit shall have been commenced or prosecuted, and punishable by the said courts accordingly, upon the application of any person complaining thereof; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid shall be incapable of maintaining any action or suit at law or in equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter, or thing done by him whilst such prisoner as aforesaid, in his own name or in the name of any other attorney or solicitor.

and incapable of recovering fees.

Attornies, &c. acting as agents for persons not qualified, &c. shall be liable to be struck off the roll and imprisoned for a year.

XXXII. And he it enacted, that if any attorney or solicitor shall wilfully and knowingly act as agent in any action or suit in any court of law or equity, or matter in bankruptcy, for any person not duly qualified to act as an attorney or solicitor as aforesaid, or permit or suffer his name to be anyways made use of in any such action, suit, or matter upon the account or for the profit of any unqualified person, or send any process to such unqualified person, or do any other act thereby to enable such unqualified person to appear, act, or practise in any respect as an attorney or solicitor in any suit at law or in equity, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any of the said superior courts whereinsuch attorney or solicitor has been admitted, and proof made thereof upon oath to the satisfaction of the court that such attorney or solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such attorney or solicitor so offending shall and may be struck off the roll, and for ever after disabled from practising as an attorney or solicitor; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said court to commit such unqualified person so acting or practising as aforesaid to the prison of the said court, without bail or mainprize, for any term not exceeding one year.

Attornies and solicitors not to commence

XXXVII. And be it enacted, that from and after the passing of this Act no attorney or solicitor, nor any executor, administrator, or assignee of any or solicitor, shall commence or maintain any action or suit for the an action for of any fees, charges, or disbursements for any business done by such fees till one orney or solicitor, until the expiration of one month after such attorney or delivery of citor, or executor, administrator, or assignee of such attorney or solicitor, their bills. ll have delivered unto the party to be charged therewith, or sent by the t to or left for him at his counting-house, office of business, dwelling house, last known place of abode, a bill of such fees, charges, and disbursements, which bill shall either be subscribed with the proper hand of such attorney colicitor, (or, in the case of a partnership, by any of the partners, either h his own name or with the name or style of such partnership,) or of the cutor, administrator, or assignee of such attorney or solicitor, or be enclosed or accompanied by a letter subscribed in like manner referring to such ; and upon the application of the party chargeable by such bill within Reference of h month it shall be lawful, in case the business contained in such bill or relating to part thereof shall have been transacted in the High Court of Chancery, business transin any other court of equity, or in any matter of bankruptcy or lunacy, or or not, for case no part of such business shall have been transacted in any court of taxation within or equity, for the lord high chancellor or the master of the rolls, and in e any part of such business shall have been transacted in any other court, the courts of Queen's Bench, Common Pleas, Exchequer, Court of Common as at Lancaster, or Court of Pleas at Durham, or any judge of either of m, and they are hereby respectively required, to refer such bill, and the mand of such attorney or solicitor, executor, administrator, or assignee reupon, to be taxed and settled by the proper officer of the court in which th reference shall be made, without any money being brought into court; the court or judge making such reference shall restrain such attorney or icitor, or executor, administrator, or assignee of such attorney or solicitor, m commencing any action or suit touching such demand pending such erence; and in case no such application as aforesaid shall be made within Reference to th month as aforesaid, then it shall be lawful for such reference to be made taxation after aforesaid, either upon the application of the attorney or solicitor, or the cutor, administrator, or assignee of the attorney or solicitor, whose bill Have been so as aforesaid delivered, sent, or left, or upon the application the Party chargeable by such bill, with such directions and subject to such ditions as the court or judge making such reference shall think proper; such court or judge may restrain such attorney or solicitor, or the executor, ainistrator, or assignee of such attorney or solicitor, from commencing or secuting any action or suit touching such demand pending such reference, n such terms as shall be thought proper: Provided always, that no such No reference Fence as aforesaid shall be directed upon an application made by the party after verdict, "Sea ble with such bill after a verdict shall have been obtained or a writ claimed, or inquiry executed in any action for the recovery of the demand of such after twelve months, except or solicitor, or executor, administrator, or assignee of such attorney under special circumstances. delivered, sent, or left as aforesaid, except under special circumstances, be Proved to the satisfaction of the court or judge to whom the application such reference shall be made; and upon every such reference, if either the Taxation ex parte ex parte if exparte if solicitor, whose bill shall have been delivered, sent, or left, or the party does not VOI., IX.

Payment of costs of taxation.

Taxing master's certificate.

Taxing master to specify any special circumstances.

Court may give special directions as to costs where reference is made under special circumstances. Courts may order attorney or solicitor to deliver his bill, and to deliver up deeds, &c.

Evidence of delivery of bill.

chargeable with such bill, having due notice, shall refuse or neglect to attend such taxation, the officer to whom such reference shall be made may proceed to tax and settle such bill and demand ex parte; and in case any such reference as aforesaid shall be made upon the application of the party chargeable with such bill, or upon the application of such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, and the party chargeable with such bill shall attend upon such taxation, the costs of such reference shall, except as herein-after provided for, be paid according to the event of such taxation; that is to say, if such bill when taxed be less by a sixth part than the bill delivered, sent, or left, then such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, shall pay such costs; and if such bill when taxed shall not be less by a sixth part than the bill delivered, sent, or left, then the party chargeable with such bill, making such application or so attending, shall pay such costs; and every order to be made for such reference as aforesaid shall direct the officer to whom such reference shall be made to tax such costs of such reference to be so paid as aforesaid, and to certify what, upon such reference, shall be found to be due to or from such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, in respect of such bill and demand, and of the costs of such reference, if payable: Provided also, that such officer shall in all cases be at liberty to certify specially any circumstances relating to such bill or taxation, and the court or judge shall be at liberty to make thereupon any such order as such court or judge may think right respecting the payment of the costs of such taxation: Provided also, that where such reference as aforesaid shall be made when the same is not authorized to be made except under special circumstances, as herein-before provided, then the said court or judge shall be at liberty, if it shall be thought fit, to give any special directions relative to the costs of such reference: Provided also, that it shall be lawful for the said respective courts and judges, in the same cases in which they are respectively authorized to refer a bill which has been so as aforesaid delivered, sent, or left, to make such order for the delivery by any attorney or solicitor, or the executor, administrator, or assignee of any attorney or solicitor, of such bill as aforesaid, and for the delivery up of deeds, documents, or papers in his possession, custody, or power, or otherwise touching the same, in the same manner as has heretofore been done as regards such attorney or solicitor, by such courts or judges respectively, where any such business had been transacted in the court in which such order was made: Provided also, that it shall not in any case be necessary in the first instance for such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, in proving a compliance with this Act, to prove the contents of the bill he may have delivered, sent, or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements, subscribed in the manner aforesaid, or enclosed in or accompanied by such letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other party to show that the bill so delivered, sent, or left was not such a bill as constituted a bona fide compliance with this Act:

Bills may be taxed upon the

XXXVIII. And be it enacted, that where any person, not the party chargeapplication of able with any such bill within the meaning of the provisions herein-before ined, shall be liable to pay or shall have paid such bill either to the third parties ey or solicitor, his executor, administrator, or assignee, or to the party circumstances. able with such bill as aforesaid, it shall be lawful for such person, his or, administrator, or assignee, to make such application for a reference taxation and settlement of such bill as the party chargeable therewith himself make, and the same reference and order shall be made therend the same course pursued in all respects, as if such application was v the party so chargeable with such bill as aforesaid: Provided always, case such application is made when, under the provisions herein cona reference is not authorized to be made except under special circum it shall be lawful for the court or judge to whom such application made to take into consideration any additional special circumstances ble to the person making such application, although such circumstances not be applicable to the party so chargeable with the said bill as aforehe was the party making the application.

XIX. AND be it enacted, that it shall be lawful, in any case in which Taxation of stee, executor, or administrator has become chargeable with any such on trustees, s aforesaid, for the lord high chancellor or the master of the rolls, if in executors, iscretion he shall think fit, upon the application of a party interested in be directed on property out of which such trustee, executor, or administrator may have application of or be entitled to pay such bill, to refer the same, and such attorney's or rested in the citor's, or executor's, administrator's, or assignee's demand thereupon, to be property out ed and settled by the proper officer of the High Court of Chancery, with trustees, &c. h directions and subject to such conditions as such judge shall think fit, may have paid I to make such order as such judge shall think fit for the payment of what to pay such y be found due, and of the costs of such reference, to or by such attorney bill solicitor, or the executor, administrator, or assignee of such attorney or icitor, by or to the party making such application, having regard to the ovisions herein contained relative to applications for the like purpose by the rty chargeable with such bill, so far as the same shall be applicable to such ses, and in exercising such discretion as aforesaid the said judge may take to consideration the extent and nature of the interest of the party making e application: Provided always, that where any money shall be so directed be paid by such attorney or solicitor, or the executor, administrator, or signee of such attorney or solicitor, it shall be lawful for such judge, if he hall think fit, to order the same, or any part thereof, to be paid to such rustee, executor, or administrator so chargeable with such bill, instead of eing paid to the party making such application; and when the party making such application shall pay any money to such attorney or solicitor, or executor, dministrator, or assignee of such attorney or solicitor, in respect of such bill, ne shall have the same right to be paid by such trustee, executor, or adminis-

administrator, or assignee of such attorney or solicitor, had. XL And he it enacted, that for the purpose of any such reference upon the Copy of bill application of the person not being the party chargeable within the meaning to be delivered to person, not of the provisions of this Act as aforesaid, or of a party interested as aforesaid, being party it shall be lawful for such court or judge to order any such attorney or solicitor, enargeable, making applior the executor, administrator, or assignee of any such attorney or solicitor, to cation for deliver to the party making such application a copy of such bill, upon pay-

trator so chargeable with such bill as such attorney or solicitor, or executor,

No re-taxation except under special circumstances.

Court may direct taxation of bill within 12 months after payment.

Power for taxing officer to request officers of other courts to tax portions of the bill.

Applications for reference to taxation, &c. how to be made. Certificate of taxation to be final, unless altered by court, and payment may be enforced. Judgment may be entered for the amount on any reference to a common law court.

Act not to extend to clerks of Petty Bag Office, or of Queen's coroner and attorney in Court of Queen's Bench.

Act not to extend to solicitors of Treasury, &c. ment of the costs of such copy: Provided always, that no bill which shall have been previously taxed and settled shall be again referred, unless, under special circumstances, the court or judge to whom such application is made shall think fit to direct a re-taxation thereof.

XLI. And be it enacted, that the payment of any such bill as aforesaid shall in no case preclude the court or judge to whom application shall be made from referring such bill for taxation, if the special circumstances of the case shall in the opinion of such court or judge appear to require the same, upon such terms and conditions and subject to such directions as to such court or judge shall seem right, provided the application for such reference be made within twelve calendar months after payment.

XLII. And be it enacted, that in all cases in which such bill shall have been referred to be taxed and settled, the officer to whom such reference is made shall be at liberty to request the proper officer of any other court having such an officer to assist him in taxing and settling any part of such bill, and such officer so requested shall thereupon proceed to tax and settle the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the court of which he is such officer, and shall return the same, with his opinion thereon, to the officer who shall have so requested him to tax and settle the same; and the officer to whom such reference is made shall not be paid any fee for that portion of the bill which shall have been so taxed and settled by the officer of such other court at his request.

XLIII. And be it enacted, that all applications made under this Act to refer any such bill as aforesaid to be taxed and settled, and for the delivery of such bill, and for the delivering up of deeds, documents, and papers, shall be made in the matter of such attorney or solicitor; and that upon the taxation and settlement of any such bill the certificate of the officer by whom such bill shall be taxed shall (unless set aside or altered by order, decree, or rule of court,) be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the course of the court in which such reference shall be made; and in case such reference shall be made in any court of common law it shall be lawful for such court or any judge thereof to order judgment to be entered up for such amount, with costs, unless the retainer shall be disputed, or to make such other order thereon as such court or judge shall deem proper.

XLVI. Provided always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to the examination, swearing, admission, or enrolment of the clerks of the Petty Bag Office, or of the clerks of the Queen's coroner and attorney in the Court of Queen's Bench, for the time being, but that the said clerks respectively shall and may be examined, sworn, admitted, and practise in their respective courts and offices in like manner as they might have been or done before the making of this Act.

XLVII. Provided always, and be it enacted, that this Act or any thing herein contained shall not extend or be construed to extend to the examination, swearing, admission, or enrolment, or any rights or privileges of any persons appointed to be solicitors of the Treasury, Customs, Excise, Post Office, Stamp Duties, or any other branch of her Majesty's revenue, or to the solicitor

of the city of London, or to the assistant of the council for the affairs of the Admiralty or navy, or to the solicitor to the Board of Ordnance.

XLVIII. AND be it enacted, that in the construction of this Act the word Meaning of "month" shall be taken to mean a calendar month; and every word importing in this Act. the singular number only shall extend and be applied to several persons, matters, or things, as well as one person, matter, or thing; and every word importing the plural number shall extend and be applied to one person, matter, or thing, as well as several persons, matters, or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "person" shall extend to any body politic, corporate, or collegiate, municipal, civil, or ecclesiastical, aggregate or sole, as well as an individual; unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

THE SECOND PART;

CONTAINING

A DESCRIPTION of the Acts and Parts of Acts not repealed by this Act.

Date of Act.	Title.	Extent of Saving.			
⁰ H _{en.} III. c. 10.	An Act for allowing attornies to make suits to several courts.	The whole.			
w.I. c. 25. · w.I. c. 29. ·	An Act against Champerty - An Act inflicting penalty upon a serjeant or pleader committing deceit.	The whole. The whole.			
•					
7. I. c. 8	An Act, amongst other things, that attornies may be made where an appeal lieth not.	The whole.			
w. ¹ . c. 10.	An Act authorizing persons to make general attornies in all pleas for or against them.	The whole.			
w. I. c. 49.	An Act inflicting penalty for buying the title of land depending in suit, and a remedy for suits where the law fails.	The whole.			
.dw. 1. c. 11.	An Act that nothing shall be taken to maintain any action in suit.	The whole.			
Rich. II. c. 14.	An Act that they which shall depart the realm by the King's licence may make general attornies.	The whole.			
7 Hen. IV. c. 13.	An Act that impotent persons that be outlawed may make attornies.	The whole.			
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Date of Act.	Title.	Extent of Saving.			
3 Hen. VII. c. I.	An Act as to the authority of the Court of Star Chamber where one inquest shall inquire of the concealment of another; a coroner's duty after a murder committed; a justice of peace shall certify his recognizances.	The whole.			
18 Eliz. c. 5	An Act to redress disorders in common informers.	The whole.			
18 Eliz. c. 14	An Act for reformation of jeofails -	The whole, except so much as relates to attornies filing war- rants of attorney.			
29 Eliz. c. 5	An Act for the continuance and per- fecting of divers statutes.	The whole.			
31 Eliz. c. 10	An Act for the continuance of divers statutes.	The whole.			
4 & 5 Anne, c. 16.	An Act for the amendment of the law and the better advancement of justice.	The whole, except so much as relates to attornies filing war- rants of attorney.			
12 Geo. I. c. 29	An Act to prevent frivolous and vexa- tious arrests.	The whole.			
5 Geo. II. c. 18	An Act for the further qualification of justices of the peace.	The whole, except so much as relates to incapacitating attornies, solicitors, and proctors from being justices of the peace.			
• • •					
19 Geo. III. c. 68.	An Act for explaining, amending, and rendering more effectual an Act passed in the twenty-third year of the reign of his late Majesty King George the Second, for the more easy and speedy recovery of small debts within the Tower Hamlets.	The whole.			
23 Geo. III. c. 33.	An Act for preventing delays and expences in the county court of Middlesex, and for the more easy and speedy recovery of small debts in the said county court.	The whole.			
24 Geo. III. c. 42. (Local.)	An Act to explain and amend an Act passed in the last session of Parliament, intituled "An Act for the more easy and speedy recovery of small debts within the city and liberty of Westminster and that part of the duchy of Lancaster which adjoineth thereto," and for making the said Act more effectual.	The whole.			
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Date of Act.	, Title.	Extent of Saving.			
39 & 40 Geo. III. c 10-1. (Local.)	An Act to explain, amend, and render more effectual an Act passed in the third year of the reign of King James the First, intituled "An Act for the recovery of small debts in London," and an Act passed in the fourteenth year of the reign of his late Majesty King George the Second, to explain and amend the abovementioned Act; and likewise for extending the powers of the Court of Requests in the city of London in and by the said two several Acts continued and established.	The whole.			
44 Geo. III. c. 98.	An Act to repeal the several duties under the commissioners for managing the duties upon stamped vellum, parchment, and paper in Great Britain, and to grant new and additional duties in lieu thereof.	The whole.			
50 0		• • •			
52 Geo. III. C. 63.	An Act for more effectually prevent- ing the embezzlement of securities for money and other effects left or deposited for safe custody or other special purpose in the hands of bankers, merchants, brokers, attornies, or other agents.	The whole.			
• •					
55 Geo. III 184.	on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain; and for granting other duties in lieu thereof.	The whole.			
c. 48.	An Act to amend the several Acts for the regulation of attornies and				
3 Geo. IV. C. 16.	solicitors. An Act to amend an Act made in the last session of Parliament, for amending the several Acts for the regulation of attornies and solicitors.	So far as the attornies and solicitors of Ireland are affected thereby.			
• • • • • • • • • • • • • • • • • • • •					
9 Geo. IV. c. 25.	An Act to authorize the appointment of persons to act as solicitors on behalf of his Majesty in any court or jurisdiction in revenue matters. An Act for the more effectual administration of justice in England and Wales.	The whole.			
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Date of Act.	Title.				Extent of Saving.				
1 & 2 Viet. c. 45.	An Act to extend the jurisdiction of the superior courts of common law; to amend chapter fifty-six of the first year of her present Majesty's reign, for regulating the admission of attornies; and to provide for the taking of special bail in the absence of the judges.			The whole, except s much as relates to th admission and practic ing of attornies an solicitors.					
			•	•	•				
2 & 3 Vict. c. 33.	An Act to in	demnify,	&c.	-	-	The whole, except so much as relates to striking any attorney or solicitor off the roll.			
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THE SECOND SCHEDULE.

Persons entitled to receive the Fees.	Duties to be performed.	Amount of Fees in each Case.		
The person appointed for that purpose under sections 8. 11.20.	On filing every affidavit of execution of articles of clerkship, entering affidavit, and making the endorsements required by the Act	£	s. 5	
The Incorporated Law Society	On leaving articles and assignments for inspection, and inquiry as to due service previous to examination for admission in the courts at Westminster		10	
The Incorporated Law Society	For the examination and certificate of fitness and capacity for admission in the courts at Westminster	2	2	0
The officer appointed for that purpose under sections 8.	Search for and delivery of affidavit of execution of articles, to be produced			Ū
11. 20.	on applying for admission	0	2 1	6
The clerk of the judge grant- ing the flat.	For fiat at common law	1	1	0
The crier	For the oath	0	1	0
The usher The master's clerk	On signing the roll For certificate of enrolment in any of the courts at Westminster -		5 10	
The officer appointed by the master of the rolls.	For admission at the Rolls, including the fees of the clerk at the Petty			
The officer appointed by the	Bag Office, usher, and porter For admission in the Court of Bank-	1	17	0
Court of Bankruptey.	ruptcy	0	6	0
The registrar of attornies and solicitors.	Preparing and keeping an alpha- betical roll of all the attornies of the courts of law and solicitors in equity, and for issuing each certifi-		Ĭ	·
	cate	0	1	6

18+3.

CHAPTER LXXVII.

ACT regulating the Cathedral Churches of Wales. [22d August 1843.] HEREAS an Act was passed in the fourth year of her Majesty's reign, intituled "An Act to carry into effect, with certain modifications, 3 & 4 Vict. report of the commissioners of ecclesiastical duties and revenues"; c. 118. another Act was passed in the fifth year of her Majesty's reign, intituled explain and amend two several Acts relating to the ecclesiastical 4 & 5 Vict. omnissioners for England": And whereas it is expedient to extend the of the said recited Acts to the dioceses and cathedral churches of and Bangor, and to alter and amend some of the said provisions: by the Queen's most excellent Majesty, by and with the advice of the lords spiritual and temporal, and commons, in this present dioceses, &c. arliament assembled, and by the authority of the same, that from and after and Bangor. of this Act all the provisions of the said recited Acts shall, subject the further enactments herein-after contained, extend and apply to the said ioceses and cathedral churches of Saint Asaph and Bangor, and to the bishops f the same dioceses, and to all ecclesiastical rectories without cure of souls, nd all benefices with cure of souls, and all parishes and places, therein, and to he dignities, offices, canonries, and prebends of the same churches, and the

espective holders thereof. II. AND be it enacted, notwithstanding any thing in the said recited Acts Four canons ontained, that in each of the chapters of the cathedral churches of Saint Asaph, at St. Asaph, Bangor, Saint David's, and Llandaff there shall be four canonries residentiary, Bangor, Saint nd no more; and such canonries shall be in the direct patronage of the bishops Llandaff. f Saint Asaph, Bangor, Saint David's, and Llandaff respectively.

III. PROVIDED always, and be it enacted, that so soon as conveniently may Two canonies pe after the passing of this Act arrangements shall be made, by the authority residentiary to be annexed to n the said recited Acts provided, for permanently annexing two of such four two archcanonries residentiary in such cathedral churches respectively to two archdeaconries in the respective dioceses in which such churches are situate.

IV. AND be it declared and enacted, that the dean of each of the said four Rights and cathedral churches shall be the head of the chapter thereof, and shall have powers of precedence over all other members of such chapter; and that such dean and canons. the canons residentiary respectively of each such church shall possess and may exercise all the like rights, power, and authority as are and may be possessed and exercised by the dean and canons respectively of any cathedral church in

England founded by King Henry the Eighth.

V. And be it enacted, that so much of the said recited Acts as relates to the cure of souls in the parish of Saint David in the diocese of Saint David's, and in the parishes of Llandaff and Whitchurch in the diocese of Llandaff, shall be repealed; and that [Rep., Stat. Law Rev. Act, 1874 (No. 2).] it shall be lawful, if it be deemed expedient, by the authority herein-before mentioned, with the consent of the bishop of Llandaff and Llandaff for the time being, to declare and provide that the cure of souls in Whitchurch. and over the respective parishes of Llandaff and Whitchurch, or either of them, shall be vested in one spiritual person as perpetual incumbent thereof, and that such bishop and his successors shall from time to time collate, or nominate and license, as the case may be, a spiritual person to be such incumbent, and also, with the like consent and with the consent of the dean and chapter, to such parishes, or either of them, in such manner and to such amount as

may appear expedient; and upon any such declaration being made in the case of the parish of Llandaff the respective rights and duties to be exercised and performed within and over the cathedral church by the dean and chapter, dean, canons, and minor canons thereof, and by such incumbent as aforesaid, respectively, shall be defined by the like authority, with the like consent.

VI. AND be it declared and enacted, that the average annual incomes of the deans and canons residentiary of the said four cathedral churches shall be of the same amounts respectively as are fixed as the average annual incomes of the deans and canons respectively of the cathedral churches of Saint David's and Llandaff by the said first-recited Act, and that the provisions of the said recited Acts, respecting the augmentation of the incomes of deans and canons, shall be construed to authorize the augmentation of the incomes of the respective deans and canons residentiary aforesaid, out of the common fund in the said first-recited Act mentioned.

VII. AND be it enacted, that it shall be lawful, by the authority hereinbefore mentioned, to provide, out of the same fund, one fit house, at Saint Asaph, Bangor, and Llandaff respectively, as a house of residence for the use of the canons residentiary of the cathedral churches of the said cities respectively, and also a fit house of residence for the dean of Llandaff.

VIII. And be it enacted, that from and after the passing of this Act the dignity and office of archdeacon of St. Asaph shall no longer be holden by the bishop of St. Asaph, and the dignities and offices of archdeacon of Bangor and archdeacon of Anglesey shall be dissevered from the bishoprick of Bangor, and be no longer holden by the bishop of Bangor, and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] the archdeaconry of Anglesey shall be incorporated with and form part of the archdeaconry of Bangor:

XI. And be it enacted, that the provisions of the first-recited Act, whereby the interests of persons in possession at the time of the passing thereof were in any manner protected, shall be deemed to be repeated in this Act, so as to protect the interests of all persons in possession at the time of the passing hereof, in the like respects and to the same extent as the interests of such first-mentioned persons are so protected as aforesaid.

XII. And be it enacted, that out of the proceeds of any lands, tithes, tenements, or other hereditaments in the principality of Wales, vested or to be vested in the ecclesiastical commissioners for England by or under the provisions of the said recited Acts or this Act, it shall be lawful, by the authority herein-before mentioned, to make provision, in whole or in part, for the competent maintenance of any spiritual person or persons (being a native or natives of the principality aforesaid) who may be licensed by the bishop of the diocese for the time being to officiate in any church or chapel within London or Westminster or the suburbs thereof, duly consecrated for the performance of divine service according to the rites and ceremonies of the United Church of England and Ireland, in the Welch language; and such bishop is hereby authorized to license any such spiritual person or persons accordingly.

XIII. And be it enacted, that so much of the said first-recited Act as relates to the College of St. David's at Lampeter shall be repealed; and [Rep., Stat. Law Rev.

Incomes of deans and canons to be fixed, and provisions of first recited Act as to augmentations out of the common fund to apply.

Houses of residence to be provided at St. Asaph, Bangor, and Llandaff.

Archdeaconry of Anglesey incorporated with that of Bangor.

Archdeaconry may be separated from the deanery of Llandaff,

Vested interests protected.

Provision may be made for maintenance of Welsh clergymen to officiate in London or Westminster.

Such clergymen may be licensed.

Act, 1874 (No. 2). I that, so soon as conveniently may be, and by the authority Provision for herein-before mentioned, arrangements may be made for effecting the sale, to better endowany person or body corporate capable of holding the same, of the David's College advowsons of the several benefices with cure of souls now annexed to the said at Lampeter. college, and for investing the proceeds of such sales respectively for the use and benefit of the said college; and that if, after the sales of the advowsons of all such be efices, it shall be made to appear to the said ecclesiastical commissioners that the said college, when it shall be in the enjoyment of the ase and bemestit of the whole proceeds of all such sales when so invested as foresaid, will still not be competently endowed, it shall be lawful, by the like uthority, to transfer to the said college, in augmentation of the endowment hereof, any of the lands, tithes, tenements, or other hereditaments aforesaid,

or of the proceeds thereof.

XIV. AND be it enacted, that all the powers and authorities vested in her Powers of Majesty in council and in the said commissioners by the first-recited Act, with reference to the matters therein contained, and all other provisions of the same schemes, &c. Act relating to schemes and orders prepared, made, and issued for the purposes this Act. thereof, shall be continued and extended and apply to her Majesty in council, and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

Act as to

CHAPTER LXXX.

AN ACT for the better Government of Her Majesty's Subjects resorting to China. 22d August 1843.]

WEREAS an Act was passed in the fourth year of the reign of his late Majesty, intituled "An Act to regulate the trade to China and India," 3 & 4 Will. 4. whereby certain powers were vested in officers therein described as "superintendents of the trade of his Majesty's subjects to and from the dominions " of the Emperor of China": And whereas, for giving full effect to the purposes said Act, it is necessary that provision be made for the establishment from the Act, it is necessary visus provinces of her Majesty's subjects resorting to time of regulations for the such regulations should originate with to China, and it is expedient that such regulations should originate with some local authority cognizant of the actual circumstances and exigencies of state local authority cognition of the trade carried on by them in China: And hereas her Majesty hath been pleased, by a commission under the great the United Kingdom, to establish a legislative council to make laws peace, order, and good government of her Majesty's subjects being her Majesty's island of Hong Kong, and to constitute and appoint as or of the said island the officer invested under the said recited Act with ce of chief superintendent of the trade of her Majesty's subjects to and China: Be it enacted by the Queen's most excellent Majesty, by and Her Majesty Thina: Be it enacted by the queen's most executive majory, and authorize the advice and consent of the lords spiritual and temporal, and commons, the chief the advice and consent of the folds spiritually of the same, that superintendent present Parliament assembled, and by the authority of the same, that superintendent of trade, so present Parliament assembled, and by the authority of the present Parliament assembled, and by the authority of the control of trade, so long as he is

Ereat seal of the United Kingdom, or by any instructions under her also governor

of Hong Kong, with advice of legislative council of Hong Kong, to make ordinances for government, &c. of her Majesty's subjects in China, and in ships within 100 miles from the coast.

Ordinances may be disallowed or altered by her Majesty in council.

Her Majesty in council may make ordinances for government, &c. of her subjects in China, and in ships within 100 miles from the coast.

Commissions and ordinances to be laid before Parliament.

Limitation of actions.

Venue.

Notice and tender of amends.

Majesty's signet and sign manual accompanying and referred to in any such commission or commissions, to authorize the superintendent of the trade of her Majesty's subjects in China (so long as such superintendent shall be also the governor of the said island of Hong Kong) to enact, with the advice of the legislative council of the said island of Hong Kong, all such laws and ordinances as may from time to time be required for the peace, order, and good government of her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, and to enforce the execution of such laws and ordinances by such penalties and forfeitures as to him, by the advice aforesaid, shall seem fit; and that it shall also be lawful for her Majesty. by any such commission or commissions or instructions as aforesaid, to impose upon the exercise of the before-mentioned legislative authority all such conditions and limitations as her Majesty shall see fit to prescribe; and that it shall also be lawful for her Majesty to disallow, in the whole or in part, any laws or ordinances so to be enacted as aforesaid, and, with the advice of her Majesty's privy council, to alter the same or any of them as to her Majesty in council shall seem meet.

III. AND be it enacted, that it shall also be lawful for her Majesty, by any order or orders made with the advice of her Majesty's privy council, to ordain, for the government of her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, any law or ordinance which to her Majesty in council may seem meet, as fully and effectually as any such law or ordinance could be made by her Majesty in council for the government of her Majesty's subjects being within the said island of Hong Kong.

IV. And be it enacted, that all such commissions and instructions and orders in council as aforesaid, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enacting thereof respectively.

VI. And be it enacted, that every suit or action which shall be brought against any person for any thing done in pursuance of this Act shall be commenced within six calendar months, after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of her Majesty's courts having civil jurisdiction, and then within six calendar months after the plaintiff and defendant shall have been both within the jurisdiction of any such court; and every such action or suit shall be brought in the place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of her Majesty's courts having civil jurisdiction; and the defendant shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff, or his agent or attorney, as is provided in actions brought against any justice of the peace for any act done by him in the execution of his office.

CHAPTER LXXXII.

Acr for extending to Scotland and Ireland the Power of the Lord High Chancellor to grant Commissions to enable Persons to take and receive Affidavits; and for amending the Law relating to Commissions for the Examination of Witnesses. [22d August 1843.]

THEREAS it would be convenient to extend to Scotland and Ireland the wer of the lord high chancellor of Great Britain to grant commissions order to enable persons to take affidavits, affirmations, and declarations: it therefore enacted by the Queen's most excellent Majesty, by and with Lord chanceladvice and consent of the lords spiritual and temporal, and commons, in the same s present Parliament assembled, and by the authority of the same, that the powers for d chancellor, lord keeper, or lords commissioners of the great seal, for the granting commissions for ne being, shall have such and the same powers for granting commissions for taking affie purpose of enabling fit and proper persons to take and receive affidavits, Scotland and firmations, and declarations in Scotland and Ireland, and to perform the Ireland as he duties of masters extraordinary of the High Court of Chancery in England. ngland, as he and they now have in any part of the kingdom of England.

II. AND be it enacted, that all and every persons and person wilfully Persons wilwearing or affirming or declaring falsely in any affidavit or affirmation or or declaring eclaration to be made in that part of the United Kingdom called Scot-falsely in any and before any person or persons who shall be empowered to take affidavits in Scotland or affirmations or declarations in Scotland under the authority aforesaid, shall deemed guilty be deemed guilty of perjury, and shall be liable to prosecution and punishment and liable to for perjury in the same manner and to the same effect as if such persons or punishment in person had wilfully sworn falsely as a witness or witnesses in open court in as persons any judicial proceeding in Scotland, or in any court of competent jurisdiction swearing falsely in in that part of the United Kingdom in which such person shall be apprehended open court. on such a charge; and it shall be competent to bring such prosecution, if brought in Scotland, either in the court of justiciary or in the sheriff court of the county within which the offence shall have been committed.

III. AND be it enacted, that all and every persons and person wilfully Persons wilwearing or affirming falsely in any affidavit or affirmation to be made before falsely in any ony person or persons who shall be empowered to take affidavits or affirmations affidavit or n Ireland under the authority aforesaid shall be deemed guilty of perjury, Ireland deemed nd shall incur and be liable to the same pains and penalties as if such person guilty of r persons had wilfully sworn or affirmed falsely in the open court in which liable to same uch affidavit or affirmation shall be intituled, or in the court in which such pains and person or persons shall be tried, and be liable to be prosecuted for such perjury for swearing n any court of competent jurisdiction in Ireland, or in that part of the falsely in United Kingdom in which such person shall be apprehended on such a charge; and if any declaration which shall be made before any person who shall be Falsa declaration e.m. empowered to take declarations in Ireland under the authority aforesaid shall demeanor. be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor, and shall be punishable accordingly.

IV. AND be it enacted, that every such person authorized to act under any What fees such commission as aforesaid shall be entitled to receive and take such and the may be taken. same fees, and none other, as masters extraordinary of the High Court of

now has in

Chancery in England are now entitled to by virtue of the orders of that court, or of any Act or Acts of Parliament now in force.

V. And whereas there are at present no means of compelling the attendance of persons to be examined under any commission for the examination of witnesses issued by the courts of law or equity in England or Ireland, or by the courts of law in Scotland, to be executed in a part of the realm subject to different laws from that in which such commissions are issued, and great inconvenience may arise by reason thereof: Be it therefore enacted, that if any person, after being served with a written notice to attend any commissioner or commissioners appointed to execute any such commission for the examination of witnesses as aforesaid, (such notice being signed by the commissioner or commissioners, and specifying the time and place of attendance), shall refuse or fail to appear and be examined under such commission, such refusal or failure to appear shall be certified by such commissioner or commissioners, and it shall thereupon be competent, to or on behalf of any party suing out such commission, to apply to any of the superior courts of law in that part of the kingdom within which such commission is to be executed, or any one of the judges of such courts, for a rule or order to compel the person or persons so refusing or failing as aforesaid to appear before such commissioner or commissioners, and to be examined under such commission, and it shall be lawful for the court or judge to whom such application shall be made by rule or order to command the attendance and examination of any person to be named or the production of any writings or documents to be mentioned in such rule or order.

Provisions for compelling the attendance of witnesses and production of documents before commissions to take evidence issued by courts in one part of the United Kingdom to be executed in another part.

Punishment of persons disobeying rule or order to appear or to produce writings or documents required.

Payment of expences of witnesses, protection of privileged documents, &c. VI. AND be it enacted, that upon the service of such rule or order upon the person named therein, if he or she shall not appear before such commissioner or commissioners as aforesaid for examination, or to produce the writings or documents mentioned in such rule or order, the disobedience to such rule or order shall, if the same shall happen in England or in Ireland, render the person disobeying subject and liable to such pains and penalties as he or she would be subject and liable to by reason of disobedience to a writ of subpoena in England or in Ireland, and if such disobedience shall happen in Scotland it shall be competent to the lord ordinary on the bills, upon an application made to him by or on behalf of any party suing out such commission, and upon proof of such disobedience made before him, to direct the issue of letters of second diligence, according to the forms of the law of Scotland, to be used against the person disobeying such rule or order.

VII. PROVIDED always, and be it enacted, that every person whose attendance shall be so required shall be entitled to the like conduct money and payment of expences and for loss of time as for and upon attendance at any trial in a court of law; and that no person shall be compelled to produce under such rule or order any writing or other document that he or she would not be compellable to produce at a trial, nor to attend on more than two consecutive days, to be named in such rule or order.

1843.

CHAPTER LXXXIII.

ACT to amend the Law respecting the Duties of Coroners.

[22d August 1843.]

WHEREAS the coroners of boroughs and liberties are empowered and directed by law to appoint deputies to act in their stead in certain ases: And whereas the coroners of counties have no sufficient authority of he law for making such appointments: And whereas it is expedient to prevent unnecessary expence and delay in the holding of inquests in counties: Be it therefore enacted by the Queen's most excellent Majesty, by and with Coroners of the advice and consent of the lords spiritual and temporal, and commons, in shall appoint this present Parliament assembled, and by the authority of the same, that deputies, from and after the passing of this Act it shall be lawful for every coroner of approval of any county, city, riding, liberty, or division, and he is hereby directed, by the lord chancell writing under his hand and seal to nominate and appoint from time to time a fit and proper person, such appointment being subject to the approval of the lord high chancellor, lord keeper, or lords commissioners of the great seal, to act for him as his deputy in the holding of inquests; and all inquests taken and other acts performed by any such deputy coroner under and by virtue of any such appointment shall be deemed and taken, to all intents and purposes whatsoever, to be the acts and deeds of the coroner by whom such appointment was made: Provided always, that a duplicate of such appointment shall Duplicate of be forthwith transmitted to the clerk of the peace for the county, city, riding, iberty, or division in which such coroner shall reside, to be filed among the mitted to clerk ecords of the said county, city, riding, liberty, or division: Provided also, hat no such deputy shall act for any such coroner as aforesaid except during only during he illness of the said coroner, or during his absence from any lawful or illness, &c. easonable cause: Provided also, that every such appointment may at any ime be cancelled and revoked by the coroner by whom the same was made.

II. And whereas by an Act passed in the seventh year of the reign of King 7 Geo. 4. leorge the Fourth certain provisions were made for preventing the quashing c. 64. f indictments on technical grounds: And whereas it is expedient to make rovisions for supporting coroners inquisitions, and for preventing the same com being quashed on account of technical defects: Be it therefore enacted, Inquisitions, hat from and after the passing of this Act no inquisition found upon or by quashed on ny coroner's inquest, nor any judgment recorded upon or by virtue of any account of ach inquisition, shall be quashed, stayed, or reversed for want of the averment defects. nerein of any matter unnecessary to be proved, nor for the omission of the rords "with force and arms," or of the words "against the peace," or of the rords "against the form of the statute," nor for the omission or insertion of ny other words or expressions of mere form or surplusage, nor for the inserion of the words "upon their oath," instead of the words "upon their oaths," or for omitting to state the time at which the offence was committed, when ime is not the essence of the offence, nor for stating the time imperfectly, nor pecause any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names, nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such

of the peace. Deputy to act

Appointments

inquisition and the names subscribed thereto, nor because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided the name or names of such juror or jurors is or are set forth, nor because any juror or jurors has or have signed his or their christian name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed, nor for want of a proper venue, where the inquest shall appear or purport to have been taken by a coroner of or for the county, riding, city, borough, liberty, division, or place in which it shall appear or purport to have been taken, nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written upon parchment, nor by reason of any such inquisition having been taken before any deputy instead of the coroner himself, nor because the coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest; and in all or any of such cases of technical defect as are herein-before mentioned it shall be lawful for any judge of either of her Majesty's courts at Westminster, or any judge of assize or gaol delivery, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

Amendment of technical defects.

Extent of Act,

III. AND be it enacted, that this Act shall extend only to that part of the United Kingdom called England and Wales.

CHAPTER LXXXV.

An Act for improving the Law of Evidence.

[22d August 1843.]

THEREAS the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced and on the truth of their testimony: Now therefore be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person having, by law or by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may and shall be admitted to give evidence on oath, or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the

Witnesses not to be excluded from giving evidence by incapacity from crime or interest.

trial of any issue, matter, question, or injury, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime Provided also, that this Act shall not Act not to or offence: repealany provision in a certain Act passed in the session of Parliament holden in the seventh year of the reign of his late Majesty and in the first year of the reign of her present Majesty, intituled "An Act for the amendment of the " laws with respect to wills": Provided that in courts of equity any defendant In courts of to any cause pending in any such court may be examined as a witness on the equity defenbehalf of the plaintiff or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matters or any of the matters in question in the cause shall not be any co-defendeemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

repeal any 1 Vict. c. 26.

examined on behalf of the plaintiff or

II. AND be it enacted, that wherever in any legal proceedings whatever In legal prolegal proceedings may be set out, it shall not be necessary to specify that any necessary to particular persons who acted as jurors had made affirmation instead of oath, state that any but it may be stated that they served as jurymen, in the same manner as if jurors had made affirmano Act had passed for enabling persons to serve as jurymen without oath.

IV. AND be it enacted, that nothing in this Act shall extend to Scotland. Extent of Act,

CHAPTER LXXXVI.

AN ACT FOR regulating Hackney and Stage Carriages in and near London.

[22d August 1843.]

 $\mathbf{W}^{\mathbf{H}\mathbf{E}\mathbf{R}\mathbf{E}\mathbf{A}\mathbf{S}}$ the provisions for licensing the drivers, conductors, and watermen of public carriages in and near London need to be amended:

II. AND be it enacted, that the words herein-after mentioned, which in Interpretation of terms. neir usual signification have a more confined or different meaning, shall in ais Act (except where the nature of the provisions or the context of the Act nall exclude such construction) be interpreted as follows; (that is to say,) ne words "hackney carriage" shall include every carriage (except a stage which shall stand on hire or ply for a passenger for hire at any place ithin the limits of the city of London and the liberties thereof, and metro-Police district; and the words "metropolitan stage carriage" shall lude every stage carriage except such as shall on every journey go to or ne from some town or place beyond the limits aforesaid; and the word proprietor" shall include every person who, either alone or in partnership th any other person, shall keep any hackney carriage or any metropolitan age carriage, or who shall be concerned otherwise than as a driver or attenant in employing for hire any hackney carriage or any metropolitan stage arriage; and the word "conductor" shall include every director or other person, except the driver, who shall attend upon the passengers in any metropolitan stage carriage; ; and the word "passenger" shall include every person carried by any backney carriage, or by any metro-VOL IX.

politan stage carriage, except one driver, and, where there shall be a conductor to such metropolitan stage carriage, one conductor; and the word "horse" shall include every mare and gelding; and every word importing the singular number only shall extend and be applied to several persons and things as well as to one person or thing; and every word importing the masculine gender only shall extend to a female as well as to a male.

Provisions of 1 & 2 Will. 4. c. 22. as to hackney carriages extended to `this Act.

1 & 2 Will. 4. c. 22. s. 59.

IV. And whereas by the said recited Act passed in the reign of his late Majesty it was enacted, that the owner of every waggon, cart, car, dray, or other carriage should, before any such carriage should be driven or used in any public street or road within the distance of five miles from the General Post Office in the city of London, paint or cause to be painted in words at full length, and in one or more straight line or lines, upon some conspicuous place on the right or off side of every such carriage, clear of the wheel or wheels thereof, or upon the right or off-side shaft thereof, the true christian name and surname and place of abode of the owner, or, if there be more than one, of the principal owner of such carriage, in the manner in such Act directed : Be it enacted, that in all cases where the owner of any such carriage shall be a peer of the realm, or shall be known or usually designated by some title of rank, it shall be deemed to be a compliance with the provisions of the aforesaid Act that the title only and place of abode of such peer or other person shall be painted in the manner therein described upon any such waggon, wain, cart, or other carriage.

Title and place of abode of a peer of the realm painted on any waggon, &c. to be deemed a compliance with the provisions of the recited enactment.

Appointment of registrar, deputy registrar, and other officers.

Particulars to be painted on metropolitan stage carriages.

Table of fares to be painted inside.

Recovery of fares.

Penalty on proprietor making default,

Registrar to grant licences to drivers of V. And be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state from time to time to appoint a fit person to be the registrar of metropolitan public carriages, [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

VII. AND be it enacted, that the proprietor of every metropolitan stage carriage shall keep distinctly painted, both on the outside and inside of the same, in such a manner and in such a position as shall from time to time be directed by the registrar, the words "metropolitan stage carriage," or such other words as the registrar shall direct, ; and shall also, on the inside of every such carriage, keep distinctly painted in a conspicuous manner a table of fares to be demanded of passengers by such carriage; and the fares therein specified shall be deemed to be the only lawful fares, and may be recovered by the driver or conductor as in the case of hackney carriages, in a summary way, before any justice of the peace; and every proprietor making default in the premises shall forfeit the sum of twenty shillings for every offence.

[VIII.a] And be it enacted, that it shall be lawful for the registrar to grant a licence to act as driver of hackney carriages, or as driver or as conductor of

I^a Section 8 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).

tropolitan stage carriages, or as waterman, (as the case may be,) to any hackney carson who shall produce such a certificate as shall satisfy the said registrar of riages, drivers good behaviour and fitness for such situation respectively: Provided of metropolitan that no person shall be licensed as such driver as aforesaid who is and watermen. er sixteen years of age; and in every such licence shall be specified the ber of such licence, and the proper name and surname and place of abode, age, and a description of the person to whom such licence shall be granted, in the case of a waterman, of the standing or place at which he shall be reby authorized to act as a waterman, and the nature of his duties; and ry such licence shall bear date on the day on which the same shall be nted, and shall continue in force until and upon the first day of June next after the thereof, or, if granted in the month of May in any year, then to continue in force il and upon the first day of June in the year next following that in which the same ll be granted, except in either case the same shall be sooner revoked, and except the (if any) during which any such licence shall be suspended [Rep., Stat. Law Rev. th 1874 (No. 2). i; and on every licence of a driver or conductor the registrar all cause proper columns to be prepared, in which every proprietor employing edriver or conductor named in such licence shall enter his own name and dress, and the days on which such driver or conductor shall enter and shall nit his service respectively; and in case any of the particulars entered or adorsed upon any licence in pursuance of this Act shall be erased or defaced very such licence shall be wholly void and of none effect; and the said regis- At the time of ar shall, at the time of granting any licence, deliver to the driver, conductor, granting any licence an r waterman to whom the same shall be granted an abstract of the laws in abstract of orce relating to such driver, conductor, or waterman, and of the penalties to the laws and hich he is liable for any misconduct, and also a metal ticket, upon which be given. ere shall be marked or engraved his office or employment, and a number rresponding with the number which shall be inserted in such licence.

X. AND be it enacted, that it shall not be lawful for any person to act as Penalty on iver of any hackney carriage, or as driver or conductor of any metropolitan persons acting ige carriage, whether such person shall or shall not be the proprietor of such &c. without rriage, . . . , within the limits of this Act, unless in each case such licences and rson shall have a licence so to do, and a numbered ticket granted to him der the authority of this Act, and remaining in force; and every person no shall act as such driver or conductor . . . without such licence and ket, , and also every person to whom a licence and ket shall have been granted who shall, except in compliance with the prosions of this Act, transfer or lend such licence, or permit any other person use or wear such ticket, shall for every such offence forfeit the sum of five and every proprietor who shall knowingly suffer any person not duly on proprietors censed under the authority of this Act to act as driver of any hackney criage, or as driver or as conductor of any metropolitan stage carriage, of conductors so hich he shall be the proprietor, shall for every such offence forfeit the sum of en pounds: Provided always, that nothing herein-before contained shall sub- Employment of ect to any penalty any proprietor who shall employ any unlicensed person to drivers &c ct as such driver or conductor as aforesaid for any time not exceeding twenty- in case of our hours, or any unlicensed person who shall be so employed for the said time, upon proof being adduced by the proprietor, to the satisfaction of the justice of the peace before whom such proprietor, driver, or conductor shall be

necessity.

required to attend to answer for such offences respectively, that such employment was occasioned by unavoidable necessity; and that every proprietor who shall so employ such unlicensed driver or conductor, and every such unlicensed driver or conductor, shall be subject to all the powers, provisions, and proceedings of and under this Act or the said recited Act of his late Majesty for any act done by such driver or conductor during such employment, in like manner as if such driver or conductor had been duly licensed.

Persons
applying for
licences to
sign a requisition for the
same, &c.
Penalty on
applicants or
referees making
false representations,

XIV. And be it enacted, that before any such licence as aforesaid shall be granted a requisition for the same, in such form as the said registrar shall from time to time appoint for that purpose, and accompanied with such certificate as herein-before is required, shall be made and signed by the person by whom such licence shall be required; and in every such requisition all such particulars as the registrar shall require shall be truly set forth; and every person applying for or attempting to procure any such licence who shall make or cause to be made any false representation in regard to any of the said particulars, or who shall endeavour to obtain a licence by any forged recommendations, or who shall not truly answer all questions which shall be demanded of him in relation to such application for a licence, and also every person to whom reference shall be made who shall, in regard to such application, wilfully and knowingly make any misrepresentation, shall forfeit for every such offence the sum of five pounds; and it shall be lawful for the registrar to proceed for recovering of such penalty before any magistrate at any time within one calendar month after the commission of the offence, or during the currency of the licence so improperly obtained.

Notice to be given by drivers, conductors, and watermen of any change of abode.

IXV. AND be it enacted, that as often as any driver or conductor or waterman shall change his place of abode he shall give notice thereof in writing, signed by him, to the said registrar, specifying in such notice his new place of abode, and shall at the same time produce his licence to the said registrar, who shall endorse thereon a memorandum specifying the particulars of such change; and every driver, conductor, or waterman who shall change his place of abode, and shall neglect for two days to give notice of such change, and to produce his licence in order that such memorandum as aforesaid may be endorsed thereon, shall forfeit for every such offence the sum of twenty shillings; and it shall be lawful for the registrar, or for any person employed by him for that purpose, to sue for such penalty at any time during the currency of such licence;

Particulars of licences to be entered in a book at the registrar's office. Copies of entries to be evidence.

Copies of par-

XVI. And be it enacted, that the particulars of every licence which shall be granted as aforesaid shall be entered in books to be kept for that purpose at the office of the said registrar; and in all courts, and before any justice of the peace, and upon all occasions whatsoever, a copy of any entry made in any such book, and certified by the person having the charge thereof to be a true copy, shall be received as evidence, and be deemed sufficient proof of all things therein registered, without requiring the production of the said book, or of any licence, or of any requisition or other document upon which any such entry may be founded; and every person applying at all reasonable

[[]a Section 15 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

times shall be furnished with a certified copy of the particulars respecting any given on application, without licensed person, without payment of any fee.

IXVII. AND be it enacted, that every licensed driver, conductor, and Tickets to be waterman shall at all times during his employment, and when he shall be drivers, &c. required to attend before any justice of the peace, wear his ticket conspicuously upon his breast, in such manner that the whole of the writing thereon shall be distinctly legible; and every driver, conductor, or waterman who shall act as such, or who shall attend when required before any justice of the peace, without wearing such ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such ticket for inspection, or to permit any person to note the writing thereon, shall for every such offence forfeit the sum of forty shillings.

XVIII. And be it enacted, that upon the expiration of any licence granted Licences and under this Act the person to whom such licence shall have been granted shall delivered up deliver such licence and the ticket relating thereto to the said registrar; and on the disconevery such person who, after the expiration of such licence, shall wilfully neglect licences. for three days to deliver the same to the said registrar, and also every person who shall use or wear or detain any ticket without having a licence in force relating to such ticket, or who shall for the purpose of deception use or wear or have any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall for every such offence forfeit the sum of five pounds; and it shall be lawful for the registrar, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his licence or ticket, at any period within twelve calendar months after the expiration of the licence; and it shall be lawful for any constable or peace officer, or any person employed for that purpose by the registrar, to seize and ake away any such ticket, wheresoever the same may be found, in order to leliver the same to the said registrar.

XIX. And be it enacted, that whenever the writing on any ticket shall he deliver ecome obliterated or defaced, so that the same shall not be distinctly legible, instead of nd also whenever any ticket shall be proved to the satisfaction of the said lost tickets. egistrar to have been lost or mislaid, the person to whom the licence relating any such ticket shall have been granted shall deliver such ticket (if he all have the same in his possession) and shall produce such licence to the id registrar, and such person shall then be entitled to have a new ticket livered to him, upon payment, for the use of her Majesty, of such sum of oney, not exceeding three shillings, as the registrar shall from time to time point: Provided always, that if any ticket which shall have been proved aforesaid or represented to have been lost or mislaid shall afterwards be and the same shall forthwith be delivered to the said registrar; and every erson into whose possession any such ticket as last aforesaid shall be or ome who shall refuse or neglect for three days to deliver the same to the said registrar, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such offence forfeit the sum of forty shillings.

Section 17 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

Forgery of licence or ticket, or knowingly uttering a forged licence or ticket, a misdemeanor.

XX. And be it enacted, that every person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any licence or ticket by this Act directed to be provided for the driver of a hackney carriage, or for the driver or the conductor of a metropolitan stage carriage, . . . and also every person who shall sell or exchange, or expose to sale, or utter, any such forged or counterfeited licence or ticket, and also every person who shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have or be possessed of such forged or counterfeited licence or ticket, knowing such licence or ticket to be forged or counterfeited, and also every person knowingly and wilfully aiding and abetting any person in committing any such offence as aforesaid, shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be punished by fine or imprisonment, or by both, such imprisonment to be in the common gaol or house of correction, and either with or without hard labour, as the court shall think fit; and it shall be lawful for any person to detain any such licence or ticket, or for any constable or peace officer, or any person employed for that purpose by the said registrar, to seize and take away any such licence or ticket, in order that the same may be produced in evidence against such offender, or be disposed of as the said registrar shall think proper.

Proprietor to retain the licence of drivers or conductors employed by him, and produce them in case of complaint.

Particulars of convictions to be endorsed on licences.

Magistrates to hear and determine disputes between proprietors and drivers or conductors.

XXI. And be it enacted, that every proprietor of a hackney carriage and of every metropolitan stage carriage who shall permit or employ any licensed person to act as the driver or conductor thereof shall require to be delivered to him, and shall retain in his possession, the licence of such driver or conductor while such driver or conductor shall remain in his service; and in all cases of complaint where the proprietor of a hackney carriage or of a metropolitan stage carriage shall be summoned to produce the driver or conductor of such carriage before a justice of the peace he shall also produce the licence of such driver or conductor, if at the time of receiving the summons such driver or conductor shall be in his service; and if any driver or conductor complained of shall be adjudged guilty of the offence alleged against him the justice of the peace before whom he shall be convicted shall in every case endorse upon the licence of such driver or conductor the nature of the offence, and the amount of the penalty inflicted; and every proprietor who shall neglect to require to be delivered to him, and to retain in his possession, the licence of any driver or conductor during such period as such driver or conductor shall remain in his service, or who shall refuse or neglect to produce such licence as aforesaid, shall for every such offence forfeit the sum of three pounds.

XXII. AND be it enacted, that it shall be lawful for any justice of the peace to hear and determine all matters of complaint between any proprietor of a hackney carriage or metropolitan stage carriage and the driver or conductor of the same respectively, and to order payment of any sum of money that shall appear to be due to either party for wages or for the earnings in respect of any such carriage, or on account of any deposit of money, and to order compensation to the proprietor in respect of damage or loss which shall have arisen through the neglect or default of any driver or conductor to the property of his employer intrusted to his care, or in respect of any sum of money which such proprietor may have been lawfully ordered by a justice of the peace to pay, and which has been actually paid pursuant to such order, on account of the negligence or wilful misconduct of his driver or conductor.

nd to order such compensation to either party in respect of any other matter f complaint between them as to such justice shall seem proper.

XXIII. PROVIDED always, and be it enacted, that it shall not be lawful, Agreements ther in any court of law or before any justice of the peace, to enforce the drivers, &c. of money claimed from any driver or conductor by any and proprietors as to earnings of any hackney carriage or metropolitan as to earnings to be in age carriage, unless under an agreement in writing which shall have been writing. gned by such driver or conductor in the presence of a competent witness; nd no such agreement shall be liable to any stamp duty.

XXIV. AND be it enacted, that when any licensed driver or conductor Proceedings

hall leave the service of any proprietor such proprietor shall, upon demand with respect to licences hereof, return to liven his licence: Provided always, that if the said proprietor on quitting shall have any complaint against the said driver or conductor it shall be lawful for such proprietor to retain the licence for any time not exceeding twenty-four hours after the demand thereof, and within that time to apply to the police court of the district in which the said proprietor shall dwell, or, if he shall dwell in the city of London or the liberties thereof, then to some justice of the said city, for a summons against him; and the said proprietor, at the time of applying for the summons, shall deposit the licence with the clerk of such police court or justice; and in case any proprietor who upon demand thereof shall have refused or neglected to deliver to any driver or conductor his licence shall not within twenty-four hours, exclusive of Sunday or any day on which the police court shall not sit, apply for such summons, and deposit the licence as aforesaid, or shall not appear to prosecute his com-Plaint at the time mentioned in the summons, it shall be lawful for such driver or conductor to apply at the same police court, or to some justice as aforesaid, for a summons against such proprietor; and upon hearing and deciding the case the justice, if he shall think there was no just cause for detaining the licence, or that there has been needless delay on the part of the proprietor in oringing the matter to a hearing, shall have power to order the said proprietor compensation to the said driver or conductor as the said justice reasonable; and payment of such compensation shall be enforced manner as any penalty may be enforced under this Act by such stice; and the justice shall cause the licence to be delivered to the said iver or Conductor, unless any misconduct shall be proved against him, by ason whereof the justice shall think that such licence should be revoked or spended and so long as any proprietor shall neglect to apply for such sumdeposit the licence, after demand thereof, any justice of the peace ay in the manner from time to time order compensation to be paid by him the same driver or conductor; and no proprietor shall, under any pretence by virtue of any claim whatever, retain beyond the time aforesaid the cence of his driver or conductor.

AND be it enacted, that it shall be lawful for any justice of Licences may be revoked or suspended. Sence, whether under this Act or any other Act, if such justice in his scretion shall think fit, to revoke the licence of such driver, conductor, or aterman, and also any other licence which he shall hold under the provisions

Section 25 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (žo. 2).]

of this Act, or to suspend the same for such time as the justice shall think proper, and for that purpose to require the proprietor, driver, conductor, or waterman in whose possession such licence and the ticket thereunto belonging shall then be to deliver up the same; and every proprietor, driver, conductor, or waterman who, being so required, shall refuse or neglect to deliver up such licence and any such ticket, or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, the sum of five pounds; and the justice shall forthwith send such licence and ticket to the registrar, who shall cancel such licence if it has been revoked by the justice, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such licence, with the ticket, to the person to whom it was granted.

No person to act as driver, &c. of any carriage without the consent of the proprietor.

XXVII. AND be it enacted, that every driver or conductor authorized by any proprietor to act as driver of any hackney carriage, or as driver or conductor of any metropolitan stage carriage, who shall suffer any other person to act as driver of such hackney carriage, or as driver or conductor of such metropolitan stage carriage, without the consent of the proprietor thereof, and also every person, whether duly licensed or not, who shall act as driver or as conductor of any such carriage without the consent of the proprietor thereof, shall forfeit the sum of forty shillings; and every driver or conductor charged with such offence who, when required by a justice of the peace so to do, shall not truly make known the name and place of abode of the person so suffered by him to act as driver or conductor without consent of the proprietor, and also the number of the ticket of such person (if licensed), shall be liable to a further penalty of forty shillings; and it shall be lawful for any police constable, without any warrant for that purpose, to take into custody any person unlawfully acting as a driver or as a conductor . . . , and to convey him before any justice of the peace, to be dealt with according to law, and also. if necessary, to take charge of the carriage and every horse in charge of such person, and to deposit the same in some place of safe custody until the same can be applied for by the proprietor.

Punishment for furious driving, and wilful misbehaviour.

[XXVIII.a] AND be it enacted, that every driver of a hackney carriage, or driver or conductor of a metropolitan stage carriage, who shall be guilty of wanton or furious driving, or who by carelessness or wilful misbehaviour shall cause any hurt or damage to any person or property being in any street or highway, and also every driver, conductor, or waterman who during his employment shall be drunk, or shall make use of any insulting or abusive language, or shall be guilty of any insulting gesture or any misbehaviour, shall for every such offence forfeit the sum of three pounds; or it shall be lawful for the justice before whom such complaint shall be brought, if in his discretion he shall think proper, instead of inflicting such penalty, forthwith to commit the offender to prison for any period not exceeding two calendar months. with or without hard labour, as the justice shall direct; and in every case where any such hurt or damage shall have been caused the justice, upon the hearing of the complaint, may adjudge, as and for compensation to any party aggrieved as aforesaid, a sum not exceeding ten pounds, and may order the proprietor of the hackney carriage or metropolitan stage carriage, the driver or conductor of which shall have caused such hurt or damage, forthwith to pay

Compensation for injury, &c.

[[]a Section 28 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

and also such costs as shall have been incurred, and payment be enforced against such proprietor as any penalty or sum of nereof may

recovered under and by virtue of this Act; and any sum which Proprietor
oney may

by the proprietor shall in the oney may by the proprietor shall in like manner be recovered in a sumpensation may be for ea justice of the peace from the driver or conductor through recover from ary way such sum shall have been paid, upon proof of the payment nose questiant to the order of the justice, or it shall be lawful for the justice nereon process to adjudge the amount of such compensation to be paid by ach driver or conductor to the party aggrieved.

XXIX. AND be it enacted, that it shall be lawful for the commissioners of police of the metropolis from time to time to appoint standings for hackney cariages at such places as they shall think convenient within the metropolitan police disrict, except the borough of Southwark, and at their discretion to alter the same, and from time to time to make regulation concerning the boundaries of the same, and the number of carriages to be allowed at any such standing, and also [Rep., Stat. Law Rev. Act., 1874 (No. 2). I to make regulations for enforcing order at the places Regulations as at which metropolitan stage carriages shall call or ply for passengers, and for fixing the time during which each such carriage shall be allowed to remain at metropolitan any such place; and every driver or conductor of a riages. metropolitan stage carriage who shall wilfully disregard or not conform himself to such regulations shall for every such offence forfeit the sum of forty shillings.

XXX. AND be it enacted, that no standing shall be appointed for hackney Standings to carriages, either within the metropolitan police district or within the city of be in the London, by virtue of this Act or of any other Act, except in the centre part of streets. the street, unless in the case of a street with houses only on one side of such street.

XXXI. And be it enacted, that nothing herein or in any other Act con- Hackney carained shall be deemed or construed to authorize any hackney carriage to stand riages not to or ply for hire opposite to the General Post Office in Saint Martins le Grand, ply opposite London, or any part thereof.

General Post Office.

XXXII. AND be it enacted, that it shall be lawful for the court of mayor Lord mayor nd aldermen of the city of London, within the city of London and the liberies thereof, and the borough of Southwark, to make regulations for enforcing lations with rder at the places at which metropolitan stage carriages shall call or ply for passengers, and for fixing the time during which each such carriage shall be &c. of metrollowed to remain at any such place; and every driver or conductor of a netropolitan stage carriage who shall wilfully disregard or not conform city of London imself to such regulations shall forfeit the sum of forty shillings.

and aldermen to make reguplaces of call. politan stage and the borough of Southwark. Penalty on carriages, or for loitering or causing any

XXXIII. AND be it enacted, that every driver of a hackney carriage who all ply for hire elsewhere than at some standing or place appointed for that urpose, or who by loitering or by any wilful misbehaviour shall cause any ostruction in or upon any public street, road, or place, and also every driver drivers or conductor of any metropolitan stage carriage who by loitering or any wilful conductors of nisbehaviour shall cause any obstruction lin or upon any public street, road, stage carriages, r place, or shall improperly delay such carriage on any journey, or wilfully leceive any person in respect to the route or destination thereof, or who shall obstruction, refuse to admit and carry at the lawful fare any passenger for whom there is take passentake passen-room, and to whose admission no reasonable objection is made, or who shall gers, demanddemand more than the legal fare for any passenger, or who, for the purpose of fares, plying taking up or setting down a passenger, or except in case of accident or other for hire by unavoidable necessity, shall stop such carriage opposite to the end of any noise, &c.

street, or upon any place where foot passengers usually cross the carriageway, or who shall ply for hire or passengers by blowing a horn, or by using any other noisy instrument within the limits of the metropolis as defined by the said Act of the second year of the reign of his late Majesty, [a] and every conductor of a metropolitan stage carriage who shall allow any person beside himself to ride upon the steps or in the place provided for him, and every driver of a hackney carriage, whether hired or unhired, allowing any person besides himself, not being the hirer or a person employed by such hirer, to ride on the driving box, and every driver or conductor of any metropolitan stage carriage who shall smoke whilst acting in such capacity, after an objection taken by any person riding in or upon such carriage, shall for every such offence forfeit the sum of twenty shillings.

l'roprietors may be summoned to appear, and to produce the driver or conductor.

XXXV. And be it enacted, that when any complaint shall be made before any justice of the peace against the driver of any hackney carriage, or the driver or the conductor of any metropolitan stage carriage, for any offence committed by him against the provisions of this Act, or of the recited Act of his late Majesty, or of any order or regulations made in pursuance of this Act, it shall be lawful for such justice, if he shall think proper, forthwith to summon the proprietor of such carriage to produce before him, or such other justice of the peace as shall be then present, the driver or conductor by whom such offence was committed, to answer such complaint; and in case such proprietor after being duly summoned shall fail to produce the driver or conductor, it shall be lawful for the justice of the peace before whom such driver or conductor should be produced (if he shall think fit) to proceed, in the absence of such driver or conductor, to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor of any penalty or sum of money and costs in which the driver shall be convicted; and any sum of money which shall be so paid by the proprietor shall be recovered in a summary way from the driver or conductor by whose default such sum shall have been paid, upon proof of payment thereof pursuant to the order of the justice, and upon proof of service of the notice herein-after mentioned: Provided always, that if the justice of the peace shall deem it proper it shall be lawful for him, when such proprietor shall fail to produce his driver or conductor, without any satisfactory excuse to be allowed by such justice, to impose a fine of forty shillings upon such proprietor, and so from time to time as often as he shall be summoned in respect of such complaint, until he shall produce his driver and conductor; and every proprietor so summoned to produce his driver or conductor shall cause to be given to such driver or conductor, or to be left at the abode specified in his licence, or (if such licence shall expire after the offence committed and before the hearing of the complaint) at his usual place of abode, a written notice of the time and place when and where such driver or conductor shall be required to attend;

Proprietors failing so to do may be fined.

Proprietor when summoned to give notice to driver, &c.

In The limits of the metropolis were defined by 1 & 2 Will. 4. c. 22. s. 40. (which is rep., Stat. Law Rev. Act, 1874) in the following terms:

Sect. 40. And whereas letters arriving in London by the general post are now delivered without additional pestage at any place comprised within a circle the radius of which is of the length of three miles, measured from the General Post Office: Be it enacted, that the circumference of the said circle shall for the purposes of this Act be deemed and called the limits of the metropolis.

nd if such driver or conductor shall not attend according to such notice, it all be lawful for a justice of the peace to issue a warrant for his apprehenon, and if after such notice any driver or conductor shall, without a reasonole excuse to be allowed by the justice, neglect or refuse to attend at the me and place therein mentioned, or (having previously left the service of the coprietor so summoned as aforesaid) shall not at the time and place of his tendance produce his licence, he shall forfeit the sum of forty shillings, and from time to time as often as he shall so neglect or refuse.

XXXVI. AND be it enacted, that it shall be lawful for any magistrate Magistrates pecially appointed under the authority of the said Act of the reign of his late Majesty for the purpose of hearing and determining offences against the determine provisions of that Act, or for such other magistrate as shall be in attendance under this Act. at the office appointed in that behalf, to hear and determine any complaint for any offence against the provisions of this Act, or of any Act now in force or hereafter to be in force, wheresoever the cause of complaint may arise, within the city of London or the liberties thereof, or elsewhere within the limits of this Act, so far as the same shall relate to hackney carriages or to metropolitan stage carriages, . . . , in like manner as if such provisions had been included in the aforesaid Act.

XXXVII. And be it enacted, that upon the hearing of any complaint made Evidence of under the provisions of this Act or the recited Act passed in the reign of his to be taken late Majesty, or of the orders and regulations aforesaid, it shall be lawful for in certain cases. the justice of the peace by whom the same shall be heard to examine and take the evidence of the informant or complainant in any dispute concerning the amount of fare paid or demanded by either party, or in any dispute between the proprietor and driver or conductor of any hackney carriage or metropolitan stage carriage concerning the wages of such driver or conductor, or in any complaint of personal injury done to the complainant by the driver of any hackney carriage or metropolitan stage carriage, or in any case in which the informant or complainant shall be entitled to no pecuniary advantage besides his costs and expences, or, being entitled to some compensation or pecuniary advantage, shall ither give up all claim to the same, or shall not be the only witness in the case.

XXXVIII. And be it enacted, that all complaints under the provisions of Complaints to he said recited Act of the reign of his late Majesty or of this Act, or of the seven days. orders and regulations made in pursuance of either of them, except such as hall be made by the direction of the commissioners of stamps and taxes, and xcept in cases where some other term of limitation is specially provided by his Act, shall be made within seven days next after the day on which the cause of complaint shall have arisen.

XXXIX. And be it enacted, that it shall be lawful for any justice of the Justices may peace to hear and determine all complaints under the provisions of this Act or plaints and of the said recited Act of the reign of his late Majesty, and to adjudge the award penalpayment of any penalty or of any sum of money under either of the said Acts, or of the orders and regulations made pursuant to either of them, and to order payment of the same, with or without costs, either immediately, or at such time and place, and by such instalments, as he shall think fit; and in case of In case of nonpayment of the sum so ordered to be paid, or of any one instalment thereof, the party may to adjudge the party making default to be imprisoned in the common gaol or be imprisoned; house of correction for any term not exceeding two calendar months, with or

or warrant may be issued for distress and sale,

and commitment of party making default.

Limitation of imprisonment for nonpayment of wages, &c.

Decision of justice to be final.

In what manner goods distrained shall be sold.

Service of summonses and other notices.

Justice on complaint may issue summons for attendance or warrant for apprehension.

without hard labour, such imprisonment to cease on payment of the sum so adjudged or ordered to be paid, or to issue his warrant for the levying of any such sum of money, together with the costs and expences of such warrant or of levying the same, on the goods of the party making default, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any), and where goods of such party making default cannot be found sufficient to answer the penalty or sum ordered to be paid, and all such costs and expences, to commit such party to prison, there to remain for any time not exceeding two calendar months, unless such penalty or sum of money, and all such costs and expences, shall be sooner paid; and every such imprisonment shall be with or without hard labour as such justice shall direct: Provided always, that no imprisonment for nonpayment of any sum ordered to be paid on account of wages, or the earnings of any carriage, or of any deposit of money, shall be for a longer period than one calendar month, or with hard labour; and all proceedings whatsoever before any justice of the peace under any of the provisions of this Act or the recited Act of the reign of his late Majesty, and the judgment of the said justice thereon, shall be final and conclusive between the parties, and shall not be quashed or vacated for want of form, and shall not be removed by certiorari, or any other writ or process, into any superior court.

XL. AND be it enacted, that in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this Act or the recited Act of the late reign are directed to be sold the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his usual place of abode, three days at least prior to such sale: Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this Act or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent: Provided also, that if the owner of such goods or chattels shall, at any time before the sale thereof, pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expences incurred, no sale of such goods or chattels shall be made.

IXLI. AND be it enacted, that for the purpose of serving summonses and other notices required by this or the recited Act of his late Majesty the usual place of abode of any driver, conductor, or waterman, or of any person who, having been licensed as a driver, conductor, or waterman, has neglected to return his metal ticket at the expiration of his licence, shall be deemed to be the place specified in the licence; and that it shall be lawful for any justice of the peace in all cases, upon complaint being made in respect of any matter within the meaning of this or of the recited Act of his late Majesty, or of the orders and regulations made in pursuance thereof, to issue his summons to require the attendance of the person complained of before the said justice, or any other justice, at a time and place to be appointed for that purpose, or to

[[]a Section 41 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

sue a warrant for the apprehension of such person, either in the first instance, after the issuing and service of such summons and the non-appearance of ne party summoned; and every summons or other notice required by this ct shall be deemed to be duly served, provided the same, or a copy thereof, hall be either personally served or left at the usual place of abode of the party whom it shall be directed, or, if he shall be a party licensed under this or the ecited Act of his late Majesty, then at the place of abode specified in his licence.

XLII. AND be it enacted, that every person summoned as a witness to give Penalty on vidence touching any matter to be heard under this Act or the recited Act of witnesses refusing to ais late Majesty who shall neglect or refuse to appear at the time and place attend or to or that purpose appointed by any justice of the peace, without a reasonable give evidence. excuse to be allowed by such justice, or who shall appear but refuse to be examined or give evidence, shall forfeit the sum of five pounds.

XLIII. AND be it enacted, that every summons or warrant of distress Certain prowhich shall be had or taken against the proprietor of a hackney carriage or be drawn up metropolitan stage carriage, for the default of the driver or conductor thereof, according to for the recovery of any penalty, compensation, or costs under the provisions of the schedule. this Act, or such rules, orders, and regulations as aforesaid, may be drawn or made out according to the several forms contained in the schedule hereunto annexed, or to the effect thereof, with such changes as the case may require; and that every order, conviction, warrant, or other proceeding which shall be Convictions, drawn, had, or issued under the provisions of this Act or of the recited Act of state the facts the reign of his late Majesty, or of such rules, orders, and regulations as afore- in evidence. said, shall be good and effectual without stating the facts in evidence, or more than the matter or offence in respect whereof such order, conviction, or other proceeding as aforesaid shall have been had, made, or issued.

XLIV. And be it enacted, that in every case where there shall be more Where there than one proprietor of any hackney carriage or metropolitan stage carriage it are more shall be sufficient, in any information, summons, order, conviction, warrant, or than one any other proceeding under the provisions of this Act or of the said recited be proceeded. Act of the reign of his late Majesty, to name one of such proprietors without against. reference to any other or others of them, and to describe and proceed against

him as if he were sole proprietor.

XLV. And be it enacted, that it shall be lawful for any justice of the peace Power to by whom any person shall be convicted of any offence under this Act, or under penalties the recited Act of his late Majesty, to lessen the penalty or term of imprison-

ment in such manner as he may think fit. XLVI. AND be it enacted, that all penalties or sums of money ordered and Appropriation adjudged within the metropolitan police district to be paid under this Act or of penalties. the recited Act of his late Majesty, and not otherwise appropriated, shall be payable to her Majesty; and that all penalties or sums of money ordered and adjudged within the city of London or the liberties thereof to be paid under this Act or the recited Act of his late Majesty, and not otherwise appropriated, hall be payable to the chamberlain of the city of London, in aid of the xpences of the police of the said city.

XLVII. AND be it enacted, that all actions and prosecutions which shall Limitation e brought or commenced against any person for any thing done under the of actions. uthority of this Act, or of such orders and regulations as aforesaid, shall be ommenced and prosecuted within three calendar months next after the fact

Venue. Notice of action.

Tender of amends and payment into court.

Costs.

committed, and not afterwards, and shall be brought and tried in the city of London or the county of Middlesex, and not elsewhere; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and if the cause of action shall appear to arise from any matter or thing done by the authority of this Act, or of any such orders and regulations as aforesaid, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced, by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases of law; and although a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

SCHEDULE referred to in the foregoing Act.

No. 1.

FORM of a Summons to the Proprietor of a Hackney Carriage or a Metropolitan Stage Carriage to produce the Driver or Conductor thereof to answer a. Complaint.

To E.F. of, &c., proprietor of the hackney carriage, number [or the metropolitan stage carriage, number].

WHEREAS complaint hath been made by C.D. against the driver of the hackney carriage, number for the driver or conductor of the metropolitan stage carriage, number], on the of now last past [or instant], charging that the said driver [or conductor, on the day of now last past for instant], (of which said carriage you were then the proprietor,) at or about the hour of , did [here state the alleged offence]: These are therefore to require you to produce the said driver or conductor before me, or such other magistrate as shall be present, at , on the day of the clock in the , at of noon, then and there to answer the said complaint.

Dated the

day of

(Signed)

One of the police magistrates of the metropolis,

[or
One of her Majesty's justices of the peace

for]

No. 2.

FORM of a Warrant of Distress for levying upon the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage the Penalty in which the Driver or Conductor thereof has been convicted. To. A.B. of, &c. WHEREAS C.D., the driver of the hackney carriage, number

Metropolitan police district [or the driver or conductor of the metropolitan stage carriage, to wit. number], on the day of duly convicted of a certain offence, for that [here state the offence], whereby he hath been adjudged to forfeit the sum of , over and above the for the costs and charges of the informer, making together sum of , which hath not been paid by the said driver for the sum of conductor], nor by any person on his behalf: And whereas, according to the statute in that behalf made, the said E.F., the proprietor of the said carriage, hath been required to pay the said sum of , which he hath neglected and refused to do: Therefore I command you to levy the said sum , by distraining the goods and chattels of the said E.F., the said proprietor; and if within the space of five days next after such distress , together with the reasonable costs and taken the said sum of charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels which shall be so distrained, taken, and seized as aforesaid, and shall levy and raise thereout the said sum of taking and keeping and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels; and you are to certify to me

, and all reasonable costs and charges of what you shall have done by virtue of this my warrant. Given under my hand and seal the day of

(Signed)

One of the police magistrates of the metropolis, One of her Majesty's justices of the peace for

No. 3.

ORM of Warrant of Commitment of the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage for Want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

A.B. of, &c., and to the keeper of the common gaol [or house of **COTT**ection] at

Metropolitan WHEREAS, &c. [proceed as in the form No. 2. to the words "which MetroPolitan "he hath neglected and refused to do," inclusive]: And whereas it has been duly made to appear to me that no sufficient distress of the goods and chattels of the said E.F., the said proprietor, be found whereon to levy the said sum of Therefore I command you the said A.B. to apprehend and take the said E.F., and safely to convey him to the common gaol [or house of correction] at in the of , and there to deliver him to the keeper thereof, together with this warrant. And I $_{
m do}$ hereby command you the said keeper to receive into your custody in the said gaol [or house of correction] him the said E.F., and him therein safely to keep for the space of , unless the said sum of shall be sooner paid.

Given under my hand and seal the

day of

(Signed)

One of the police magistrates of the metropolis,

or

One of her Majesty's justices of the peace for

CHAPTER LXXXIX.

An Act to amend the Act for the Regulation of Municipal Corporations in England and Wales. [24th August 1843.]

t & 6 Will. 4. c. 76.

7 Will. 4, & 1 Vict. c. 78. s. 23.

TYPEREAS by an Act passed in the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled "An Act to " provide for the regulation of municipal corporations in England and " Wales," provisions were made for the election of corporate officers in certain boroughs, and for determining the times and manner of such election; but the provisions in the said Act have not in all cases been duly complied with: An whereas by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to amend an Act for the regulation of municipal " corporations in England and Wales," it was among other things declared, that after the passing of that Act every application to the Court of Queen's Bench for the purpose of calling upon any person to show by what warrant he claims to exercise the office of mayor, alderman, councillor, or burgess in any borough shall be made before the end of twelve calendar months after the election, or the time when the person against whom such application shall be directed shall have become disqualified, and not at any subsequent time: And whereas doubts have arisen whether, notwithstanding the said last-mentioned enactment, applications in the nature of quo warranto may not still be successfully made against any person holding the office of mayor, on the ground that such mayor was not duly qualified to be so elected mayor by reason of some defect or informality in his previous election to the office of alderman or councillor, although more than twelve calendar months may have elapsed since such election to the office so alleged to have been informal or defective, and likewise against other corporate officers upon grounds of the like nature: And whereas also in certain boroughs the town councils elected under the said recited Act omitted to appoint as therein directed who of the aldermen first elected under that Act should go out of office at the expiration of the term therein mentioned: And whereas also in some boroughs at the said first election of aldermen after the passing of the said first-recited Act less than the full number required by the said Act were elected to such office by reason of equality of votes as to some of the persons nominated, and at the second election of aldermen under the provisions of the said first-recited Act other aldermen were elected to supply and make up such deficiency, but by inadvertence, and under a mistake of law, a greater number were elected

to such office than ought to have been so elected, and great inconvenience, vexation, and expence have been incurred and sustained by reason of the premises, insomuch that the functions of the corporate bodies in such boroughs have been and are in effect suspended; and it is expedient to provide a remedy for such mischief: And whereas the said first-recited Act requires further amendments: Be it therefore enacted by the Queen's most excellent No election of Majesty, by and with the advice and consent of the lords spiritual and a mayor in any borough subject temporal, and commons, in this present Parliament assembled, and by the to recited Acts authority of the same, that no election of any mayor of any of the boroughs question for named in schedules (A.) and (B.) of the said first-recited Act, or in any defect in preborough to which a charter of incorporation may have been or may be here- of such person after granted under the provisions of that Act and of the secondly recited Act, as alderman or either of them, , shall be liable to be questioned unless such by reason of a defect in the title of such person to the office of alderman or previous eleccouncillor to which he may have been previously elected, unless application tioned within shall have been made to the Court of Queen's Bench, calling upon such person its taking place. to show cause by what warrant he claims to exercise such office of alderman or councillor, within twelve calendar months after such his election to the aid office of alderman or councillor; and that from and after the passing All elections of this Act every election f this Act every election to the office of mayor, alderman, officers not ouncillor, or any other corporate officer, in any of the boroughs aforesaid, talled in question shell not be hich shall not be . . . called in question by such application to the months to be ourt of Queen's Bench within twelve calendar months from such election, deemed valid. all be deemed to have been to all intents and purposes a good and valid ction.

to be called in tion be ques-

. And whereas it is expedient to render certain proceedings by way of warranto and mandamus, so far as they affect corporate offices in boroughs. summary and expeditious: Be it therefore enacted, that from and after Provision for passing of this Act, in all cases of intended application to the Court of expediting certain pron's Bench, either for a mandamus to proceed to an election of any corceedings by e officer or officers in any of the aforesaid boroughs, or for an information way of mandamus and nature of a quo warranto against any person claiming to be a corporate quo warranto. of and in any of the said boroughs, it shall be lawful for the party ing to make such application to give notice in writing thereof to the to be affected thereby at any time not less than ten days before the the said notice specified for making such application, in which notice e set forth the name and description of the party by whom such appliwill be made, together with a statement of the grounds thereof, and at me time to deliver with such notice a copy of the affidavits whereby the ation will be supported; and thereupon it shall be lawful for the said entioned party to show cause in the first instance against such applicaand if no sufficient cause be shown it shall be lawful for the said Court en's Bench, on proof of the due service of such notice and statement, the delivery of a copy of such affidavits as may be used for the purf supporting such application, to make the rule for such mandamus or ation absolute, if the said court shall so think fit, in the first instance, so, if they shall so think fit, to direct that any writ of mandamus y ordered to be issued shall be peremptory in the first instance; and OL. IX.

also that the venue in any information thereby ordered to be filed shall be laid in the county of Middlesex, or in the city of London, and that the issue or issues of fact thereon, if any, shall be tried at the sittings at nisi prius of the said court at Westminster, or in London, by a jury of the same county or city respectively.

VI. And whereas the office of treasurer of and for the aforesaid boroughs

Office of treasurer to be held during the pleasure of the council of the borough. is an office of great trust, and an annual appointment to such office is inconvenient and unnecessary: Be it therefore enacted, that so much of the said herein-before first-recited Act as provides that the council in every borough shall in every year appoint a fit person to be treasurer of such borough shall be and the same is hereby repealed, and that IRep., Stat. Law Rev. Act, 1874 (No. 2.I the council of every borough shall, on the ninth day of November next after the passing of this Act, or on the ninth day of November next after such borough shall be incorporated, appoint a fit person, not being a member of the council, to be the treasurer of such borough, who shall thenceforth hold his office during the pleasure of the council for the time being; and on the happening of any vacancy thereafter, by death, resignation, amotion, or otherwise, the council shall proceed to the appointment of a successor, either at any of the general quarterly meetings of the council, or at a special meeting to be convened for that purpose, so that in no case such appointment be delayed beyond twenty-one days from the happening of the vacancy.

Elections on vacancies.

VII. AND whereas inconvenience has arisen and may hereafter arise by reason that in the said first-recited Act no provision is made for the holding of the borough sessions at the time appointed by public notice for that purpose, in case of the sudden illness or unexpected and unavoidable absence of the recorder on or immediately before the day on which the sessions for any borough shall have been appointed to be held, or during the holding of such sessions; and it is desirable to provide against such inconvenience:

In case of sickness or absence the recorder may appoint a deputy recorder. VIII. And be it enacted, that in case of sickness or unavoidable absence the recorder of any borough shall be and he is hereby empowered, under his hand and seal, to appoint a deputy recorder, being a barrister of five years standing, to act for him at the quarter sessions then next ensuing or then being held, and not longer or otherwise: Provided nevertheless, that such sessions shall not be deemed to have been illegally held, nor the acts of any deputy recorder invalidated, by reason of the cause of the absence of the recorder not being deemed to be unavoidable within the meaning of this Act.

CHAPTER XC.

An Act for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Laws regulating the Admission of Public Notaries.

[24th August 1843.]

41 Geo. 8. (U.K.) c. 79. WHEREAS by an Act passed in the forty-first year of the reign of his late Majesty King George the Third, intituled "An Act for the better "regulation of public notaries in England," it was amongst other things enacted, that from and after the first day of August one thousand eight hundred and one no person should be sworn, admitted, and enrolled as a public notary in England unless such person should have been bound, by contract in

writing or by indenture of apprenticeship, to serve as a clerk or apprentice for and during the space of not less than seven years to a public notary or person using the art and mystery of a scrivener (according to the privilege and custom of the city of London, such scrivener being also a public notary,) duly sworn, admitted, and enrolled: And whereas doubts have arisen whether a public notary, being also an attorney, solicitor, or proctor, can have and retain any person to serve him as a clerk or apprentice in his profession or business of a public notary, and also at the same time in that of an attorney, solicitor, or proctor, and whether such service is in conformity with the provisions of the said recited Act: And whereas it is expedient to remove all such doubts with regard to persons who have served or are now serving or may hereafter serve as a clerk or apprentice in manner aforesaid: Be it therefore enacted by the Public notaries Queen's most excellent Majesty, by and with the advice and consent of the clerks serving lords spiritual and temporal, and commons, in this present Parliament them in that assembled, and by the authority of the same, that from and after the passing if also attornies, of this Act every person who has been duly admitted, sworn, and enrolled a solicitors, or public notary in England may take, have, and retain any clerk or apprentice have clerks to serve him under the provisions of the said recited Act or of this Act in the serving them in their busiproper business of a public notary, or if such person is also an attorney or ness generally. solicitor in any of the courts of law or equity, or a proctor in any ecclesiastical court in England or Wales, to serve him at the same time in the general business of a notary as well as that of an attorney, solicitor, or proctor; and Clerks serving that no person who shall have regularly and duly served any such public are also notary, being also an attorney, solicitor, or proctor, for the time required by attornes, &c. he said recited Act or this Act, and be otherwise entitled to be admitted a disqualified public notary, shall be prevented or disqualified from being so admitted a for admission public notary by reason of his having also served a clerkship to such public notary or his partner as an attorney, solicitor, or proctor during the same time or any part thereof.

11. Provided always, and be it enacted, that no public notary may have No public and retain any such clerk or apprentice to serve him, under the provisions of retain a clerk he said Act or of this Act, if he has been admitted, sworn, and enrolled a or apprentice, public notary for the purpose only of carrying on any business, or holding or unless admitted as a general practitioner; nor practitioner, hall any public notary be allowed to have and retain such clerk or apprentice actual practice. fter he shall have discontinued or left off or during such time as he shall not ctually practise and carry on the profession or business of a public notary.

III. And whereas it is expedient to shorten the period of the service required by the said recited Act: Be it therefore enacted, that from and after Persons servthe passing of this Act, in case any person shall have been or shall be bound to a notary to by any contract to serve and shall have actually served as a clerk or apprentice be entitled to for the term of five years any public notary as aforesaid, and shall have caused admission as notaries. an affidavit to be made and filed as to the due execution of such contract, and shall have complied with the other provisions of the said recited Act, save as to the length of service, then and in such case every such person shall be qualified and entitled to be sworn, admitted, and enrolled a public notary to practise in England, as fully and effectually as any person having been bound and having served seven years as required by the said recited Act would be qualified and entitled to be sworn, admitted, and enrolled a public notary

Consent of notary required if clerk has been bound for a longer time.

If affidavit as to execution of contract be not filed within time required, the service to reckon from the day of filing, unless otherwise ordered.

Master of the faculties may require testimonials of ability, &c.

Proceedings in case of refusal of master of faculties to grant a faculty.

25 Hen. 8. c. 21.

Saving the rights of Scriveners Company.

Oath on admission of notary. under and by virtue of the said recited Act: Provided always, that no person shall be entitled to be admitted and enrolled a public notary at the expiration of the term of five years, if bound for a longer time, without the consent in writing of the public notary, if living, to whom he shall have been so bound being first obtained and produced at the time of his admission, and filed with the other papers relating thereto: And provided also, that in case the affidavit required by the said recited Act as to the execution of any contract be not filed within the time required by the said Act the same may be filed by the proper officer after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of filing such affidavit, unless the master of the faculties shall otherwise order; and such service shall be as effectual, and the public notary and clerk shall be equally bound for and during the term, reckoning as aforesaid, as if such term had been originally intended and mentioned in the contract.

IV. And be it enacted, that the master of the faculties for the time being may make any general rule or rules requiring testimonials, certificates, or proofs as to the character, integrity, ability, and competency of any person who shall hereafter apply for admission or re-admission as a public notary to practise either in England or in any of her Majesty's foreign territories, colonies, settlements, dominions, forts, factories, or possessions, whether such person shall have served a clerkship or not, and from time to time alter and vary such rules as to the master of the faculties shall seem meet, and may admit or reject any person so applying, at his discretion, any law, custom, usage, or prescription to the contrary notwithstanding.

V. Provided always, and be it enacted, that if the master of the faculties shall refuse to grant any faculty to practise as a public notary to any person without just and reasonable cause, then the chancellor of England or the lord keeper of the great seal for the time being, upon complaint thereof being made, shall direct the Queen's writ to the said master of the faculties to the effect and shall proceed thereon according to the intent and meaning of the Act of Parliament of the twenty-fifth year of the reign of King Henry the Eighth, intituled "An Act concerning peter-pence and dispensations," and in manner and form as is therein provided and set forth in case of the refusal of any licences, dispensations, faculties, instruments, or other writings, as fully and effectually, and with the same powers and authority, as if the same were here inserted and re-enacted.

VI. PROVIDED always, and be it enacted, that nothing herein contained nor any service under this Act shall authorize any person to be admitted a public notary to practise within the jurisdiction of the Incorporated Company of Scriveners of London.

VII. AND be it enacted, that from and after the passing of this Act every person to be admitted and enrolled a public notary shall, before a faculty is granted to him authorizing him to practise as such, , make oath before the said master of the faculties, his surrogate or other proper officer, in substance and to the effect following:

A.B. do swear, that I will faithfully exercise the office of a public notary; I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish any thing without the knowledge and consent of such party or parties that may alter

he substance of the fact; I will not make or attest any act, contract, or nstrument in which I shall know there is violence or fraud; and in all hings I will act uprightly and justly in the business of a public notary, according to the best of my skill and ability.

VIII. And be it enacted, that the master of the faculties for the time being, Master of the his surrogate, shall and he is hereby authorized and empowered to issue issue commismmissions to take any oaths, affidavits, affirmations, or declarations required sions to take law to be taken before the grant of any faculty, marriage licence, or other required before strument issuing from the said office of faculties; and that all oaths, grant of faculties, marriage idavits, affirmations, or declarations taken before the commissioner so licences, &c. pointed, and the faculty, marriage licence, or other instrument granted in rsuance thereof, shall be as valid and effectual as if such oath, affidavit, rmation, or declaration was taken before the said master or his surrogate, thing in any Act or law to the contrary thereof notwithstanding.

X. And be it enacted, that no person who has been admitted and enrolled Application ablic notary shall be liable to be struck off the rolls for or on account of to strike a notary off she defect in the articles of clerkship, or in the registry thereof, or in his roll for defect ice under such articles, or in his admission and enrolment, unless the in articles, &c. ication for striking him off the roll be made within twelve months from within 12 time of his admission and enrolment; provided that such articles, regisadmission. on, service, admission, or enrolment be without fraud.

And be it enacted, that from and after the passing of this Act, in case Persons not person shall, in his own name or in the name of any other person, make, duly authorized ct, exercise, or execute or perform, any act, matter, or thing whatsoever notaries to in anywise appertaining or belonging to the office, function, or practice forfeit 50%. public notary, for or in expectation of any gain, fee, or reward, without sable to prove, if required, that he is duly authorized so to do, every person for every such offence shall forfeit and pay the sum of fifty pounds, sued for and recovered by action of debt, plaint, or information in any r Majesty's superior courts of record at Westminster, or, if the cause of a shall have arisen in any colory or place to her Majesty belonging out gland, then in the supreme court of law of such colony or place, provided tion for the recovery thereof shall be commenced within twelve months fter the fact committed; and that, save so far as they are altered or Provisions of ed, or repugnant to the provisions of this Act, the like remedies for and of ring thereof, and all other the rules, directions, powers, and provisions 3 & 4 Will. 4. ned in the said recited Act, and also in the Act passed in the third and hereby varied, years of the reign of his late Majesty King William the Fourth, to be in force ed "An Act to alter and amend an Act of the forty-first year of his sty King George the Third, for the better regulation of public notaries shall and may severally and respectively attach and be in s fully and effectually as if the said penalties were imposed, or the said ies were given, or the same powers, rules, directions, and provisions were

ularly enacted, in or by this Act, or repealed and re-enacted.

CHAPTER XCI.

An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland. [24th August 1843.]

Repeal of Acts

WHEREAS it is expedient to consolidate and amend the laws relating to loan societies in Ireland: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several Acts herein-after mentioned shall be and the same are hereby repealed, save as herein-after otherwise provided; (that is to say,) an Act passed in the fourth year of the reign of his Majesty King George the Fourth, intituled "An Act for the amendment of the laws "respecting charitable loan societies in Ireland"; an Act passed in the tenth year of the same reign, intituled "An Act to amend an Act of the fourth year of his present "Majesty, for the amendment of the laws respecting charitable loan societies in Ireland"; an Act passed in the session of Parliament held in the sixth and seventh years of the "laws relating to loan societies in Ireland"; and an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty Queen Victoria, intituled "An Act for the amendment of the laws relating to loan societies in Ireland": Provided always, that nothing in this Act contained shall

extend to repeal any of the said recited Acts, so far as they or any of them repeal any former Act or Acts, or so far as respects any act, matter, or thing heretofore done under or by virtue of the said recited Acts; [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

4 Geo. 4. c. 82.

10 Geo. 4. c. 42.

6 & 7 Will. 4. c. 55.

1 & 2 Vict. c. 78.

Loan fund board established for the superintendence of all loan societies and charitable pawn offices in Ireland. Constitution of the board.

Quorum.

Lord lieutenant may remove members from board; may appoint and remove secretary, &c.

The board empowered to superintend all loan societies, &c. in Ireland.

Salaries of officers, and incidental expenses.

II. And be it enacted, that for the general control and superintendence of all charitable loan societies and charitable pawn or deposit offices established or to be established in Ireland under the authority of the said recited Acts or this Act there shall be a board in Dublin, to be denominated "The Loau Fund "Board," which board shall consist of such persons as at present constitute the loan fund board established under the authority of the said recited Act of the sixth and seventh years of his late Majesty King William the Fourth, and of such other person as shall from time to time be appointed a member of the said board by the lord lieutenant of Ireland; and at any meeting of the said board, duly convened, three members shall be competent to do and execute all acts which the said board are hereby enabled to do and execute.

III. And be it enacted, that it shall and may be lawful for the said lord lieutenant of Ireland, at his will and pleasure, to remove from the said board any member thereof; and it shall and may be lawful for the said lord lieutenant from time to time to appoint a secretary, inspector, and such other clerk, officer, or servant as shall be necessary for the business of the said board, and to remove such secretary, inspector, or other clerk, officer, or servant, as he shall think fit.

IV. And be it enacted, that the said loan fund board shall have power to inquire into the proceedings of all loan societies and charitable pawn or deposit offices established or to be established in Ireland under the authority of the said recited Acts or this Act, in order to ascertain whether their rules have been duly certified and enrolled, and have been and are duly observed and attended to, and whether their funds are applied to the purposes for which the same are intended; and may pay to their secretary, and to any inspector or other officers, clerks, or servants appointed as aforesaid, such salaries or other remuneration or retiring allowance as the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or

more of them, may from time to time direct, and also pay such further sum or sums as may be necessary to defray the incidental expences which shall be incurred in carrying into execution the purposes of this Act: Provided always, that such expenditure for incidental expences shall not in the whole in any one year exceed such sum as the commissioners of her Majesty's Treasury, or any three or more of them, shall from time to time in that behalf limit and direct.

V. And be it exacted, that all sums of money payable to the said loan fund Funds approboard under this Act, or which may at any time or times hereafter be approuse of the priated to the use of the said loan fund board, either by public grant or private loan fund donations or bequest, or otherwise, shall be paid into the hands of the governor and company of the Bank of Ireland, and shall be placed to an account in the books of the said governor and company, to be intituled "The Loan Fund the credit of Board Account "; and the receipt of the cashier of the said Bank for any sum board account. or sums of money paid into the same, and which the said cashier is hereby required to give, shall be a sufficient acquittance and discharge to the person or persons by whom the same shall have been so paid.

priated to the paid into the Bank of

VI. And be it enacted, that no monies shall be paid out of the funds accru- No part of ing in the said account to the credit of the said loan fund board, except upon drafts signed by at least three members, and countersigned by the secretary of except upon the said board for the time being, and in each of which drafts shall be specified by three the purpose to which the sum for which the same has been drawn is intended members of to be applied; and no such draft shall be signed or countersigned as aforesaid except at the first meeting held in each month by the said board, or at some other meeting, of which at least fourteen days notice in writing shall be given to each member of the board, in which notice the object of such meeting shall be specially stated.

the funds to be paid out, drafts signed the board, &c.

VII. AND be it enacted, that the said loan fund board shall, on or before the Board to thirty-first day of March in every year, cause a report of their own proceedngs, and also of the proceedings of the several loan societies under their control and superintendence, during the year ending on the thirty-first day of to Parliament, December then next preceding, to be prepared, which report shall contain an account of all monies and funds which shall have come to the hands or been placed to the credit of the said board, either from public or private sources, during the year to which such report shall relate, and shall specify the particular sources of revenue from which such monies and funds shall have arisen, and an account of all and every the monies expended or lent by the said board during the said year, and for what purposes, and upon what account respectively, and showing the balance then standing to the credit of the said board, and the amount of loans from the said board outstanding; and such annual report shall be signed by at least five members present at such board, and countersigned by the secretary, and be laid before both Houses of Parliament within one month after the same shall have been prepared, if Parliament shall be then sitting, or within one month after the commencement of the then next session.

VIII. And be it enacted, that all actions, suits, and proceedings whatsoever Board to sue at law or in equity touching or concerning any loan, contract, or agreement, or in the name other matter or thing, to be made, done, or entered into by or with the said of their loan fund board, or which the said loan fund board is by this Act authorized

to institute, or by or with the secretary thereof, in his capacity as such secretary, shall and may be instituted, carried on, and defended in the name of the secretary of the said board for the time being, for or on behalf of the said board; and all such actions, suits, and proceedings in any court of law or equity, in the name of such secretary, shall be as good and effectual to all intents and purposes as if such actions, suits, and proceedings had been commenced, prosecuted, carried on, or defended in the name of the said board, or any member or all the members of the same; and in case such secretary shall happen to die, or be removed from his office, whilst any such action, suit, or proceeding shall be depending, then and in such case such action, suit, or proceeding shall not abate by the death or removal of such secretary, but shall be carried on or defended in the name of the succeeding secretary, and shall stand to all intents and purposes in the same state and condition as it was immediately before the death or removal of such former secretary; and it shall and may be lawful for the secretary of the said board for the time being to sue and recover, for the use of the said board, upon any bond or other security executed or passed to or contract made with the secretary of the board for the time being, notwithstanding any change or changes which may have taken place in the person by whom the said office of secretary may be filled.

On death or removal of secretary proceedings to be carried on by or against his successor.

Loan societies and charitable pawn offices may be esta blished, subject to the regulations provided by this Act.

Such societies empowered to make rules, &c. subject to the restrictions hereinafter mentioned.

IX. And be it enacted, that it shall and may be lawful to and for any number of persons in Ireland, subject to the restrictions and regulations herein-after provided, to form themselves into a society in Ireland in any district or place in which it shall be proved to the satisfaction of the said loan fund board that such society is required, and such society shall and may raise from time to time by loans from the members of such society, or from other persons, at a rate of interest not exceeding five pounds per centum per annum, or by donations, a stock or fund for the purpose of granting loans to the industrious classes resident therein, and receiving repayment of the same by instalments, with interest as herein-after provided; and it shall be in like manner lawful for any number of persons in Ireland, subject to the restrictions and regulations herein-after provided, to form themselves into a society for the purpose of establishing or maintaining a charitable pawn or deposit office or offices in Ireland, at which money may be lent to the industrious classes resident therein upon pledges or deposits, at such rate of interest, not exceeding the rate of interest which now is or may be hereafter legally chargeable by pawnbrokers in Ireland, as the said loan fund board may from time to time appoint; and it shall and may be lawful for the members of every such society from time to time to make, subject to the restrictions herein-after contained. rules for the better government and guidance of the same, and for defining the district, by townlands or otherwise, within which the operations of the society ought to be conducted, and for fixing the charges for application papers, instalments, cards, and duplicates, and for the imposition of fines upon the several persons obtaining loans from the funds of any such society, and the officers and members thereof, offending against or violating such rules, and also from time to time to alter and amend such rules as occasion shall require. or to annul and repeal the same, and to make new rules in lieu thereof, so as such rules shall not be repugnant to the laws of this realm, nor to any of the express provisions or regulations of this Act.

X. And be it enacted, that three transcripts, fairly written or printed on Three tranpaper or parchment, of all rules, or of any alteration or amendment thereof, rules of each made in pursuance of this Act, signed by at least three members of such society to be society, shall be transmitted to the said loan fund board for their considera- to the loan tion; and in case the said board shall approve of any such rules, amendments, fund board, or alterations as shall be so transmitted to them as aforesaid, they shall cause proved to be the same to be submitted to such barrister as shall from time to time be submitted to appointed by the said board established under the authority of this Act (which appointed to barrister the said board is hereby authorized and required to appoint), for the ascertain their conformity to purpose of ascertaining whether the said rules of such society, or such altera-law, &c. tions or amendments thereof, as shall be so submitted to him, are in conformity to law and to the provisions of this Act.

scripts of the

XI. AND be it enacted, that in case the said loan fund board shall dis-Rules if disapprove of any rule made by any loan society, and submitted to them as loan fund aforesaid, or of any alteration or amendment of any such rule, such rule, or board to be amendment or alteration thereof, shall be null and void: Provided always, appeal may be that in every such case it shall be lawful for such society, or for the persons made to lord desiring to form any such intended society, within one calendar month after council. notice shall be given to them of such decision of the said board as aforesaid, to appeal against such decision to the lord lieutenant of Ireland and her Majesty's privy council there, who shall have power and authority on such appeal to approve or disapprove of such rule, or amendment or alteration thereof; and if they shall disapprove thereof, then and in such case the same shall be null and void to all intents and purposes; but if they shall approve thereof, then and in such case the said loan fund board shall submit the same to such barrister as aforesaid, for the purpose aforesaid, in like manner as herein-bef re directed in the case of rules approved of by such loan fund board.

XII. AND be it enacted, that the said barrister to whom any such rule, Barrister to amendment, or alteration thereof shall be transmitted shall, if required, advise are in conwith the said loan fund board on the subject of such rule, and shall give a formity to law, certificate that such rules, alteration, or amendment, so submitted to him as what parts foresaid, is in conformity to law and to the provisions of this Act, or shall they are point out in what part the same are repugnant thereto, and state, in writing, thereto. on what grounds and for what reasons they are so repugnant, and how and in what manner they can be made conformable thereto; and the fee payable to Fee payable uch barrister for advising as aforesaid, and perusing the rules, or alterations to barrister not to exceed or amendments of the rules, of each respective society, and giving such certifi- one guinea. ate as aforesaid, and stating such grounds or reasons, or suggesting such Alterations as aforesaid, shall not at one time exceed the sum of one guinea, which, together with the expence of conveying the rules to and from the said oan fund board, shall be defrayed by each society respectively: Provided Barrister not lways, that the said barrister shall be entitled to no further fee for or in further fee respect of any alteration or amendment of any rules upon which one fee has within three een already paid to the barrister within the period of three years, or for the spect of alterof any societies at present under the loan fund board which it may be ations in the same rules. eccessary to certify within six months after the passing of this Act.

what parts

XIII. AND be it enacted, that if the said rules, or such alterations or When rules mendments as aforesaid, shall have been certified by the said barrister to be are certified by the barin conformity to law and the provisions of this Act, the secretary of the said rister the

secretary shall annex to each transcript a certificate of approval.

Disposal of such transcripts.

loan fund board shall thereupon annex to or write upon each of the said three transcripts so transmitted as aforesaid a certificate to the effect that the said rules, or such alterations or amendments as aforesaid, have been approved by the said loan fund board, or by the lord lieutenant, as the case may be, and duly certified by the barrister appointed in that behalf as aforesaid; and one of such transcripts, when certified by the secretary of the loan fund board as aforesaid, shall be returned to the society, and another of such transcripts so certified as aforesaid shall be retained by the said secretary for the use of the said loan fund board, and the other of such transcripts shall be transmitted by the said secretary to the clerk of the peace of the county wherein such society shall have been formed or shall be proposed to be formed, and shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward.

Rules when so certified to be hinding on societies, &c.

XIV. And be it enacted, that all rules and alterations and amendments of rules which shall be so certified as aforesaid by the secretary of the said loan fund board shall, immediately after they have been so certified and transmitted as aforesaid, but not before, be binding on the several members and officers of the said society, and all persons borrowing money therefrom, and all other persons having an interest therein; and it shall and may be lawful for every loan society to commence operations immediately on receiving the transcript of their rules so certified, but not before; and all such rules, alterations, and amendments of rules shall on receipt thereof be printed by such loan society, and one copy shall be posted in the office of the said society, and one copy lodged with the clerk of each petty sessions in the district within which the operations of such society are to be conducted.

Form of secretary's schedule (A.) Production of the transcript, with certificate annexed, to be cvidence of rules having been certified, society established, &c.

XV. And be it enacted, that the certificate so to be given by the secretary certificate as in of the said loan fund board shall be in the form Number 1. in the schedule (A.) to this Act annexed, or to the like effect; and that in any proceeding which may be had for the recovery of any money lent by any loan society, or any other proceeding, civil or criminal, or of what kind or nature whatsoever, the production of a transcript of the rules of such society, with such a certificate as aforesaid written thereon or annexed thereto, signed or purporting to be signed by the secretary of the loan fund board, shall be conclusive evidence of such rules, and of the same having been duly approved and certified, and that such society has been duly established, and is entitled to all the benefits of this Act, and of all other Acts which shall be then in force relating to loan societies in Ireland.

Loan societies may appoint officers and servants.

XVI. And be it enacted, that it shall and may be lawful for every loan society whose rules shall have been so certified by the secretary of the said loan fund board, or for any committee appointed and authorized by such society in that behalf, to elect and appoint such persons into the offices of trustee, manager, treasurer, secretary, clerk, messenger, or other officer or servant, as they shall think proper and necessary to carry into execution the purposes of such society, and from time to time to remove such persons, or any of them, from their respective offices or employments, and to elect and appoint others in the room of those who shall be so removed or who shall by death or otherwise vacate such offices or employments; provided that it shall not be lawful to appoint any clerk of petty sessions to any such office or employment; and it shall and may be lawful for such society or committee.

Clerk of petty sessions not to be appointed.

ubject to the restrictions in this Act mentioned, to appoint the amount of Salaries of alaries or remuneration to be paid to such officers or servants as shall not, ander the provisions herein contained, be prohibited from receiving the same.

XVII. AND be it enacted, that it shall not be lawful for any such society Societies to as aforesaid to pay to any clerk, officer, or servant of such society any salary their rules the or other allowance, unless the amount or maximum thereof shall have been amount of the scertained by the rules of such society, nor to incur any expence, unless such able to their is shall be expressly provided for by the rules of the society, or shall be servants, and necessary for the due management thereof according to such rules; and it expences. hall and may be lawful for the loan fund board constituted under this Act Loan fund rom time to time, as often as they shall judge it expedient so to do, to reduce reduce proprospectively the amount of any such salary or allowance, and likewise to spectively the educe all and every or any other expence to be incurred by any such society n the management thereof, for house rent, stationery, or otherwise; and other expences After such reduction shall have been notified to such society it shall not be awful for them to exceed in their payments the amount of the sums so reluced; and in case the treasurer or any other officer or officers of any loan Penalty on society shall pay or disburse any sum or sums of money contrary to the provisions of this Act every person so offending shall for every such offence to the proviforfeit and pay a sum of money equal in amount to the sum or sums so illegally sions of this paid or disbursed by him as aforesaid, and in addition thereto a sum not exceeding five pounds, to be recovered as herein-after mentioned; and in case Recovery of my such illegal payment as aforesaid shall have been made to any clerk or officers in other officer or servant of such loan society it shall and may be lawful for the excess. aid loan fund board, in the name of their secretary, to sue for and recover rom the clerk or other officer or servant of such society by whom the same hall have been received the amount of the sum or sums which shall have peen so illegally paid, together with costs of suit.

XVIII. And be it enacted, that all monies, goods, chattels, effects, and pro- Property of perty whatsoever belonging to such society shall be vested in the trustee or loan society rustees of such society for the time being, for the use and benefit of such trustees for society and the respective members thereof, their respective executors and the time being, in trust for the administrators, according to their respective claims and interest, and in case society and its of the death, resignation, or removal of any trustee or trustees shall vest in the surviving or succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever, and also shall, for all purling the laid in trustees poses of action or suit, as well criminal as civil, in law or equity, in anywise in legal protouching or concerning the same, be deemed and taken to be, and shall in ceedings. every such proceeding (where necessary) be stated to be, the property of the person or persons appointed to the office of trustee or trustees of such society for the time being, in his or their proper name or names, without further description; and such person or persons shall and they are hereby respectively Trustees may authorized to bring or defend, or cause to be brought or defended, any action, sue and be suit, or prosecution, criminal as well as civil, in law or equity, touching or of society. concerning the property or right of claim aforesaid of such society, and to sue and be sued, plead and be impleaded, in his or their proper name or names, as trustee or trustees of such society, without other description; and no suit, action, or prosecution shall be discontinued or abate by the death of such

salaries payto limit their amount of the salaries and of any society.

members.

Costs.

On failure of trustees of a society and in default of appointment of new trustees, the property to vest in the secretary of loan fund board, in trust to pay all debts, &c.

No manager or trustee to receive remuneration.

No salaried officer to be member of committee of management.

Treasurer and other officers of loan societies to give security as directed by loan fund board.

Form of security as in schedule (A.)

How securities shall be sued upon.

Loan fund board may require increased security to be found; person or persons or his or their removal from the office of trustee or trustees as aforesaid, but the same shall and may be proceeded in by the succeeding trustee or trustees in the proper name or names of such person or persons commencing the same, any law, usage, or custom to the contrary notwith-standing; and such succeeding trustee or trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such society.

XIX. And be it enacted, that in case all the trustees of any loan society shall be removed by death or otherwise from their trust, and no new trustee or trustees shall be appointed in their place, then and in every such case, and so often as the same shall happen, all and every the monies, goods, chattels, effects, and property whatsoever of the said society shall vest in the secretary of the said loan fund board for the time being, in trust to apply the same, under the direction of the said board, to discharge all outstanding debts and demands due by such society, and to dispose of the residue of such property to and for such purposes in furtherance of the objects of this Act and in such manner as the said loan fund board shall direct.

XX. And be it enacted, that it shall not be lawful for any person, being a trustee, treasurer, honorary secretary, director, member of the managing committee of any such society, or having any control in the direction or management thereof, to receive, directly or indirectly, any salary or other remuneration for attendance or any other services performed for such society; and no salaried clerk or other paid officer or servant of such society shall be a member of its committee of management, or in anywise act or vote in the direction of its affairs.

XXI. AND be it enacted, that every treasurer or other officer or officers, or other person whatsoever, who is or shall be intrusted with the receipt or custody of any sum or sums of money belonging or lent to any loan society, and every other officer or servant of any loan society, shall, when thereunto required by the said loan fund board, become bound, with sufficient sureties, for the just and faithful execution of such office or trust, and the performance of the duties by the rules of such society or by this Act imposed upon him, in such sum or sums of money as to the said board shall seem reasonable and proper, and such security shall and may be given by bond or bonds in the form Number 5. in schedule (A.) to this Act annexed, or to the like effect, to the secretary of the loan fund board for the time being; and in case of forfeiture it shall be lawful for the said loan fund board, or for the society for whose security such bond or bonds shall have been given, or for the trustees or managers thereof, to sue upon such bond or bonds in the name of the secretary of the said loan fund board for the time being, and to carry on such suit at the costs and charges of and for the use of the said society, fully indemnifying and saving harmless such secretary of the loan fund board from all costs and charges of such suit or suits, or in respect thereof; and in case it shall appear to the said loan fund board in any instance that the security so found is insufficient, either as regards the solvency of the sureties, or the amount of the security, or otherwise, then and in every such case, and from time to time so often as the same shall happen, it shall be lawful for the said loan fund board to require that increased or better security be found; and in case any society shall refuse or neglect to comply with such requisition of the said board within

uch period as the said board shall appoint in that behalf it shall be lawful for and on refusal he said board to withdraw their certificate from the said society, and to of society may withdraw its proceed with regard to the same in like manner as the said board is hereby certificate. authorized to proceed with regard to any society which may have violated the provisions of this Act.

XXII. And be it enacted, that where the treasurer or other officer or Existing fficers of any loan society now established shall have given security by any the name of ond or bonds to any clerk of the peace, under the authority of the said recited the clerk of and seventh years of the reign of King William the Fourth, the peace to be transmitted nd first and second years of the reign of Queen Victoria, or either of them, to loan fund uch clerk of the Peace shall, on being required so to do, transmit such bond Such securities r bonds to the said loan fund board; and it shall and may be lawful for the may be sued aid loan fund board, or for any society for whose security any such bond or clerk of the onds shall have been given, or for the trustees or managers of any such society, o sue upon such bond or bonds in case of the forfeiture thereof, in the name board may f such clerk of the peace, in like manner as the trustees of such society are require new y said recited Acts authorized to sue thereon; nevertheless it shall be lawful be given. or the said loan fund board, in such cases as they may deem expedient, to equire that new securities shall be perfected by a bond or bonds to be executed o the secretary of the said board in the manner directed by this Act, and hereupon such new securities shall be perfected accordingly.

XXIII. And be it enacted, that if any officer, clerk, or servant of any loan Officers of a ociety established or acting under this Act shall refuse or neglect, when refusing to hereunto required, to account with such society, or any committee thereof, or account either ther person or persons who shall be authorized by such society to require society or ach account, or with the secretary or any other duly authorized officer of the with loan fund aid loan fund board, for any money or other property of such loan society pay over which shall have been received by him, or shall refuse or neglect, when therento required, to pay or deliver to such society, or to such person or persons to a penalty. shall be authorized by such society to receive the same, any money or other roperty of such society which then shall be or ought to be in his possession r power, every such officer, clerk, or servant of such loan society so offending aforesaid shall for every such offence be liable to pay a sum of money equal amount to the money or the value of the property (if any) so wrongfully etained by him, and in addition thereto a further sum not exceeding the sum

hands, subject

f five pounds, to be recovered in manner herein-after mentioned. XXIV. And be it enacted, that it shall not be lawful to and for any such Amount of ociety to make any loan on personal security to any one individual at any exceed 101. one time exceeding in amount the sum of ten pounds; and that no second or other loan shall be made to the same individual, or to any person on his behalf or for his use, until the previous loan shall have been repaid.

XXV. And be it enacted, that every note or security to be taken by any Note for loan society established under the provisions of this Act for the repayment of payment of any loan granted by any such society shall be in the form Number 2, in loan shall be schedule (A.) hereunto annexed, or to the like effect, and blank forms for such in form given in schedule note shall be supplied by the said loan fund board as herein-after provided; (A.) to this and that no proceedings shall be had or order made for the recovery of any shall be suploan, fines, or interest under this Act, save and except where the note or security plied by loan fund board. for such loan shall be in the form and on the paper supplied by the said board.

No loan fund note, or bond, or security chargeable with stamp duty.

Amount of interest payable on loans may be received or retained at time of advance.

Loan fand board may authorize any loan society to advance any portion of their funds in loans not exceeding 104., bearing interest, and repayable by instalments.

Notes to be made payable to treasurer or secretary for the time being. Recovery of loans before justices. XXVI. And be it enacted, that no note or security for the repayment of any loan made by any society established or acting under the provisions of this Act, nor any receipt or entry in any book of receipt for money lent or paid, nor any debenture or transfer, or draft or order, nor any appointment of any agent, nor any bond nor security, nor other instrument or document whatever, required or authorized to be given, issued, made, or provided in pursuance of the rules of any such society or of this Act shall be subject to or chargeable with any stamp duty whatsoever.

XXVII. And be it enacted, that it shall and may be lawful to and for the trustees or managers of any society established or acting under the provisions of this Act to demand and receive from the person to whom any loan may be made, at the time of making the same, or to retain as discount for the same, the full amount of interest up to the time fixed for payment of the last instalment which would be due on the whole money so advanced, at a rate not exceeding four-pence in the pound for twenty weeks, and to receive the amount of the principal by instalments at such time or times and in such proportion or proportions as the said trustees or managers may think fit, and to take a note or security for the whole amount of the loan, the same to be sued for and recovered immediately on failure of the payment of any of the instalments, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts relating to usury.

XXVIII. And be it enacted, that it shall be lawful for the said loan fund board, if they shall see fit, to authorize any loan society to advance any portion of their funds, such portion to be limited by the said board, in loans not exceeding ten pounds, at a rate of interest not exceeding one penny halfpenny per month upon each pound sterling so advanced; provided that there be an interval of not less than twenty-seven days between the time of issuing such loan and the payment of the first instalment, and a similar period at the least between each other payment; and such society shall make a separate report of such loans to the said loan fund board.

XXX. And be it enacted, that all notes and securities entered into for the payment of such loans shall be made payable to the treasurer or secretary for the time being of the said society; and if the party or parties liable to pay the same shall fail in the payment thereof, or of any of the instalments as agreed to by the terms or conditions of the loan, according to the rules of the society, it shall and may be lawful for any one of her Majesty's justices of the peace having jurisdiction in the county, riding, city, division, or place where such party or parties or any one of them so liable shall or may happen to be or reside, or where the office of such society is situated, and such justice is hereby required, upon complaint made by or on behalf of such treasurer or secretary as aforesaid, to summon the person or persons against whom such complaint shall be made, whether he or they do or do not reside within the jurisdiction of such justice, to appear either before himself or the justices assembled at the petty sessions, either of the district in which such loan office is situate, or of the district wherein the party or any of the parties so summoned reside; and after his, her, or their appearance, or, in default thereof. upon due proof upon oath of such summons having been duly served or left at the ordinary residence of such person, such justice or justices shall proceed o hear and determine the said complaint, and award such sum to be paid by he person or persons respectively liable to the payment of any such note or ecurity to such treasurer or secretary as aforesaid as shall appear to such ustice or justices to be due thereon, provided such note or security shall be in the form and on the paper issued by the said loan fund board as aforesaid, but not otherwise, and including all such fines as shall have been incurred under the rules of such society in respect of such note or security, together with uch a sum for costs, not exceeding the sum of two shillings, as to such justice or justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum of money as upon such complaint as aforeaid shall be adjudged such justice or justices shall, by warrant under his or heir hand and seal or hands and seals, cause the same to be levied by distress nd sale of the goods of the person or persons so neglecting or refusing as foresaid, together with all costs and charges attending such distress and sale, nd returning the overplus (if any) to the owner; and no such proceedings hall be removed by certiorari or otherwise into any of her Majesty's superior ourts of record.

XXXI. AND be it enacted, that the summons to be issued for the recovery Summons for of any loan as aforesaid shall be in the form Number 1. contained in the loan may be chedule (B.) hereunto annexed, or to the like effect, and shall be prepared and in form in provided by the treasurer, clerk, or other officer of such loan society; and in Summons to ase the same shall be made returnable at petty sessions the clerk of such be entered etty sessions shall enter such summons in the petty sessions book, and shall sessions clerk, all on the same in its proper turn to be heard and disposed of, for which he and called on hall be entitled to receive a fee of three-pence, and no more, to be paid out of Clerk's fee. ne costs awarded; and if judgment shall be given upon such summons in Warrant for evour of the plaintiff the warrrant to be issued for the levy of any sum of recovery of loan may be noney which shall by any justice or justices be adjudged to be paid as afore- in form given sid shall be in the form Number 2. contained in the schedule (B.) hereunto in schedule (B.) nnexed, or to the like effect, and for which a fee of sixpence, and no more, Clerk's fee. hall be charged by the clerk of the petty sessions, or any other person whatver.

XXXII. And be it enacted, that it shall and may be lawful for the con-under levy table, bailiff, or any other person or persons who may be charged with the warrant may xecution of any warrant under the authority of this Act to sell or cause to bailiff without sold the goods seized under such warrant, without employing a licensed a licensed suctioneer nctioneer to conduct or effect such sale, and no such goods so sold shall be and shall not ubject to any auction duty.

XXXIII. AND be it enacted, that it shall and may be lawful for the Treasurer, &c. reasurer or secretary for the time being of any loan society established under of any loan this Act to sue for and recover, for the use of such society, the amount of any sue on secunote or other security which shall have been passed or made payable to the rities granted to his predetreasurer or secretary for the time being of such society, notwithstanding any cessor. change or changes which may have taken place in the person by whom the said office of treasurer or secretary may be filled.

XXXIV. AND be it enacted, that in every case in which the execution of If notes of a any note or other security issued by any loan society shall be attested by any are attested by clerk or other officer or servant of such loan society, and such clerk or other a clerk afterofficer or servant shall afterwards be dismissed or cease to be employed by missed, &c.

be subject to

may be proved in like manner as upon his death.

Loan societies may issue debentures transferable by endorsement in presence of two witnesses, and registered in books of society.

Transfers to be in form in schedule (A.) Debeutures not to be for less than 20%.

Trustees, &c. signing the debentures not personally liable, unless by express agreement.

Sums under 50%. deposited in any loan society payable without administration to the next of kin of deceased debenture holder.

his handwriting such loan society, or in case of the dissolution of such society, or of the winding up of its affairs under the authority of the loan fund board as herein-after mentioned, then and in every such case the handwriting of such attesting witness may be proved in like manner to all intents and purposes as the same might be proved in case such attesting witness were dead, and such proof shall have the like force and effect as if he were dead.

> XXXV. And be it enacted, that it shall and may be lawful for every such society established or acting under this Act, which shall be desirous of raising funds for the purposes of such society or of increasing the funds of such society, to issue debentures in a form and on paper or parchment to be supplied by the said loan fund board; and the debentures issued under former Acts, or which may be issued under this Act, shall be transferable in the manner herein-after mentioned, and not otherwise; (that is to say,) by endorsement upon the said debenture, to be executed by the person or persons entitled to the sum thereby secured, in the presence of two credible subscribing witnesses, at the office of such loan society, and to be registered in the books of the loan society by whom such debenture shall be payable; and after such endorsement shall have been so executed and registered as aforesaid, but not before, the person or persons to whom such transfer shall be made shall thereupon stand possessed of and be entitled to the amount of such debenture, and of all interest, benefit, claims, and demands whatsoever due or to grow due thereon, as fully as if he or they had been the party who had originally advanced the sum secured by the said debenture; and every transfer of such debenture shall be in the form Number 4. in schedule (A.) to this Act annexed, or to the like effect; and after the thirty-first day of December after the passing of this Act no debenture shall be issued for a less sum than twenty pounds, unless it be in lieu of one previously issued.

> XXXVI. And be it enacted, that no treasurer, trustee, or other officer of any loan fund society subscribing a debenture shall be individually responsible in person or property for the payment of the same, or of any interest thereon, but such debenture shall be a charge on the capital and property of the society alone, unless such treasurer, trustee, or other officer shall in the instrument, or by writing at the foot or on the back thereof, declare his or their willingness to be liable in person or property for the specific sums so guaranteed.

> XXXVII. And be it enacted, that in case any debenture holder or other claimant entitled to receive any sum not exceeding fifty pounds out of the funds of any such loan society shall die it shall be lawful for the said society or the trustees thereof, and they are hereby authorized and permitted, from and after the expiration of three calendar months after the death of such debenture holder or other claimant so entitled, if they shall be satisfied that no will was made and left by such deceased person, and that no letters of administration have been or will be taken out of the goods, chattels, rights, and credits of such deceased person, to pay the same to any person or persons who shall appear to the said society, or such trustees as aforesaid, to be the persons, or one of the persons, entitled under the statute of distribution to the effects of the deceased intestate, although no letters of administration shall have been taken out; and the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person as next of kin of such deceased intestate, or as the lawful representative or representatives of

uch person, against the funds of such society, or against the trustees, treasurer, r officers thereof; but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

XXXVIII. AND be it enacted, that the business of any loan society in Business of a reland established or acting under this Act shall not, on any account or loan society retence whatever, be conducted, carried on, or transacted at any hotel, tavern, transacted at ublic house, beer shop, or house of entertainment, or in any building occupied house, &c. herewith, or situate within the curtilage thereof; and any trustee, manager, fficer, clerk, or servant of any such society who shall offend herein shall for very such offence forfeit a sum not exceeding the sum of ten pounds, to be covered in the manner herein-after provided.

XXXIX. AND be it enacted, that the books and accounts of all loan societies Accounts of Ireland shall be kept in such manner and form as shall be directed or loan societies pproved by the said loan fund board; and every loan society in Ireland, and manner dihe respective officers and servants thereof, shall from time to time, and so loan fund ten as they shall be thereunto required by the said loan fund board, produce board; and the secretary, inspector, or other person authorized by the said board in books, &c. nat behalf, for his inspection and examination, all and every the books, to be produced secounts, vouchers, papers, and documents whatsoever of such loan society; for inspection nd in case any officer or servant of any loan society shall, after demand made, fuse or neglect to produce to such secretary, or other authorized officer of the demand, under id loan fund board, all or any of the books, accounts, vouchers, papers, and a penalty of cuments of such loan society which shall be in his possession, custody, or wer, or shall not duly account for the books, accounts, vouchers, papers, or cuments of such loan society which may have been in his possession, custody, power, every person so refusing or neglecting shall for every such offence feit and pay a sum not exceeding the sum of five pounds, to be recovered in e manner herein-after provided.

for inspection loan fund

XL. And be it enacted, that the trustees and managers of every society Abstract of ablished or acting under the provisions of this Act shall cause an abstract secounts to be made out the accounts of such society for each year to be made out, up to and ending yearly, and th the thirty-first day of December, together with a statement of the funds fund board. d effects and property of every kind, and of the debts and liabilities of such ciety, and of the clear net profit and appropriation thereof, and of the loss any) for the year then ended, which abstract and statement shall be in ch forms, and shall contain such particulars connected with the accounts d transactions of such society, as the said loan fund board shall from time time direct; and a copy of such abstract and statement, duly certified to correct by the secretary, treasurer, and at least one trustee, shall, some time the month of January in each year, be transmitted to the said loan fund oard: Provided always, that it shall be lawful for the said loan fund board, Board may ret their discretion, to require half-yearly, or quarterly, or monthly accounts at shorter rom any such society as aforesaid, and thereupon such accounts shall be intervals. ransmitted to the said board by such society accordingly.

XLL And be it enacted, that in case the trustees or managers of any loan loan society ociety shall be desirous of dissolving such society, or of bringing its operadissolve itself ions to a close, and shall enter into any resolution for that purpose, the shall give erk of such society shall without delay transmit a notice in writing of such notice of YOL, IX.

their intention to loan fund board. resolution to the secretary of the said loan fund board three calendar months at least before the period appointed for the dissolution of such society, or the close of their operations; and in case the trustees or managers of any loan society shall enter into any resolution or agreement or issue any notice with the view or for the purpose of effecting their dissolution or bringing their operations to a close, without notifying the same within ten days to the said loan fund board, or shall fix by such resolution, agreement, or notice any period sooner than three months from the time of such notification for the dissolution of such society or the close of their operations, then and in every such case all and every the capital stock, funds, and securities, and property whatsoever, of or belonging to such society or the trustees thereof shall vest in the secretary of the said loan fund board for the time being, and be disposed of, under the direction of the said board, in like manner as herein-after provided with respect to a society that shall be found to have violated their rules or the provisions of this Act.

Trustees, &c. intending to resign their offices to give three months notice of such intention to loan fund board.

XLII. AND be it enacted, that it shall not be lawful for any treasurer, trustee, member of the managing committee, or other officer exercising control in the direction or management of the affairs of any loan society, unless upon the special leave of the said loan fund board, voluntarily to resign or withdraw from such office or trust, without having given at least three calendar months notice in writing of his intention in that behalf to such loan society, and also to the said loan fund board; and that a copy of such notice be posted in a conspicuous part of the office of such loan society.

No clerk or servant of a loan society to receive any present from a borrower or surety, under a penalty of 20%. XLIII. AND be it enacted, that no clerk, officer, or servant of any loan society in Ireland shall directly or indirectly have, receive, or take any bonus, gratuity, or present, either in money, goods, or labour, or otherwise howsoever, from any borrower from such loan society, or from any surety; and in case any such clerk, officer, or servant shall offend herein, or shall in any way connive at or knowingly be party to any fraud, he shall for every such offence forfeit and pay a penalty not exceeding the sum of twenty pounds, to be recovered as herein-after mentioned.

Loan societies shall out of the profits form a reserve fund, and may apply residue of profits to such charitable purposes as they, with approbation of loan fund board, shall appoint.

XLIV. And be it enacted, that it shall and may be lawful for every such loan society as aforesaid, or for such person or persons as shall have been duly authorized in that behulf by the rules of such society, and they are herebyrequired, annually to reserve a sum, not less than one tenth of their clear net profits over and above all losses, to form a fund for the security of the debenture holders, and, subject thereto, it shall be lawful for them to appropriate from time to time such portion of the residue thereof as they shall think proper to the support of any dispensary, hospital, or infirmary in the district or county in which such society shall be established, or for such other charitable or useful local purpose as they, with the approbation of the said loan fund board, shall think fit; and as well the said reserved fund, as the residue or the whole of such net profits if no part shall be so appropriated, shall be employed as part of the funds of such society, until such society, with the approbation of the said loan fund board, shall otherwise determine; provided that no part of such net profits as aforesaid shall be appropriated in any way for the advantage or benefit of any member of the society, or of the persons managing or conducting the same, or for any purpose whatsoever, except as herein-before provided: And provided also, that in case any such iety shall have been dissolved, or otherwise deprived of the benefit of this the whole of the clear net profits not previously appropriated, after paynt of all debts of or claims on such society, shall be appropriated to such pensary, hospital, or infirmary, or to such other charitable or useful local pose, as the said loan fund board shall think proper.

KLV. AND be it enacted, that in case it shall appear to the said loan fund Loan societies rd, after due in vestigation, that any such loan society as aforesaid has not rules, or the ered to its rules, or has applied any of its profits or funds, or done any provisions of tter or thing, contrary to the provisions of this Act, it shall be lawful for be dissolved said loan fund board to withdraw from such loan society the certificate so by order of ted to them as aforesaid, and to order and direct that such society shall board, subject continue its operations, and shall be dissolved; and the said loan fund to appeal to lord lieutenant ard shall cause such their order to be published in the Dublin Gazette, and in council. o in some newspaper circulating in the county or place in which the office such loan society is situate, and shall also notify such their order to such n society, and also to the clerk of the peace with whom the rules of such n society shall be filed; and from and after the expiration of six calendar onths from the first publication of such order in the Dublin Gazette, or the piration of such extended time as the said loan fund board shall allow and point in that behalf (and which the said board is hereby authorized to allow d appoint), such loan society shall be dissolved, unless the order of the said ard shall be reversed upon appeal, as herein-after mentioned; and upon the solution of such society all and every the property, monies, securities, ds, chattels, and effects which such society or any person or persons in st for them shall be seised or possessed of or entitled to at the time of such solution shall immediately vest in the secretary of the said loan fund board the time being, to be applied under the directions of the said board to the rment of all the outstanding debts and liabilities of the said society, and residue (if any) to be applied to such purposes as are herein-after in that alf mentioned; and the said loan fund board may, if they shall so think Affairs of after notifying such their decision to the said society, cause the affairs of dissolved society to be h society to be wound up, and for that purpose appoint a fit and proper wound up. gon to call in and receive all outstanding debts and demands due or paye to or on account of such society, and to institute and carry on, either in own name or in the name of the secretary of the said loan fund board, or the treasurer, trustees, or other officer or officers of such society, the necesy proceedings for that purpose; and such person shall have all the powers sted in the said treasurer, trustees, or other officer or officers of such society, der their rules or this Act, or otherwise; and after the appointment of such ceiver as aforesaid it shall not be lawful for such society, or the treasurer, ustees, or any other officer or officers thereof, unless authorized in that behalf such receiver, to receive, sue for, or recover any loan, debt, or demand due payable to or for the use of such society; and in case after the appointment f such receiver any treasurer, clerk, or other officer or servant of such society, rother person whatsoever, by the order or for the use of such society, shall emand, receive, or sue for any loan, debt, or demand on account of such ociety, unless authorized as aforesaid, every person so offending shall for every ach offence forfeit and pay a sum equal to the sum so demanded, received, or ned for, and in addition thereto a sum not exceeding ten pounds, to be

recovered as herein-after mentioned; and immediately upon the appointment

of such receiver as aforesaid all and every the trustees, treasurer, clerk, and other officers and servants whatsoever of such loan society shall deliver to such receiver, or to such person or persons as he shall appoint, all and every the books, accounts, securities, vouchers, papers, documents, monies, goods, chattels, and effects whatsoever of or belonging to such society in their respective possession, custody, or power; and if they or any of them, or any other person or persons whatsoever, having in his or their possession, custody, or power any such books or other of the premises aforesaid of or belonging to such society. shall refuse or neglect to deliver the same, or any of them, on demand, to such receiver or person or persons appointed by him in that behalf, every person so neglecting or refusing shall for every such offence forfeit and pay a sum not exceeding the sum of ten pounds, to be recovered in manner herein-after mentioned; and it shall and may be lawful for any justice of the peace to issue a warrant authorizing the seizure of all and every such books and other the premises aforesaid of or belonging to such loan society, and the delivery of the same to the receiver so appointed by the said loan fund board, or such person or persons as he shall direct, and such warrant shall and may be executed according to the tenor and effect thereof; and it shall and may be lawful for the said loan fund board, after paying all lawful debts and demands of such society, and all necessary expences incurred in winding up the affairs thereof as aforesaid, to appropriate the surplus effects and property (if any) of such loan society which may remain to the establishment of any other loan society or societies, or to increase the capital of any existing loan society or societies, in the same district or county, or to such dispensary, hospital, infirmary, or other charitable or useful local purpose as the said board shall think proper: Provided always, that it shall be lawful for any such society, within one calendar month after notice shall be given of any such decision as aforesaid to such society, to appeal against such decision to the lord lieutenant of Ireland and the privy council thereof, whose judgment in the premises shall be final and conclusive; and provided further, that no steps shall be taken towards winding up the affairs of any such society until the expiration of one calendar month from the date of such notice, nor, if any appeal shall be lodged within that time, until judgment shall be given on such appeal against the appellants; and provided further, that no such appeal shall be entertained unless notice in writing of such appeal shall have been transmitted to the secretary of the said loan fund board within one calendar month after the decision of the said board from which such appeal is made shall have been notified to the society preferring such appeal: Provided also, that no further loans shall be issued by such society until judgment upon such appeal be pronounced.

Appropriation of surplus assets.

Appeal against order of dissolution.

XLVI. AND be it enacted, that the said loan fund board shall cause a sufficient number of forms of notes and debentures to be printed according to the respective forms numbered 2, and 3. in the schedule (A.) to this Act annexed, and shall cause such forms to be printed in such manner, or with such device, cypher, letters, or numbers, as the said loan fund board shall from time to time think proper or necessary to denote and authenticate the same, and shall from time to time transmit or deliver, on payment of costs of carriage, such number of the said forms as shall be required of them to each loan society supplied to

Forms of notes and debentures as in schedule (A.) to be printed by losn fund board, and paper to be marked. Forms to be

stablished under this Act, upon payment for every form of such note so societies on upplied by them of the sum of one penny, and upon payment for every form f such debenture of the sum of one shilling; and all sums received for such orms shall be carried to and made part of the funds of such loan fund board n the Bank of Ireland.

XLVII. AND be it enacted, that nothing in this Act contained shall extend Irish Reproor be construed or taken to authorize any interference on the part of the said ductive Loan Fund Instituloan fund board, or the secretary or officers thereof, in the affairs of the tion and London charitable association, commonly called "The Irish Reproductive Loan nection there-"Fund Institution," or of any trustees or agents thereof, or of any institution with to be or society in Ireland which is or shall be established in connexion with the the control said Irish Reproductive Loan Fund Institution, or to make the said institution, of the loan or any trustee or agent thereof, or any institution or society in Ireland now or to be hereafter established in connexion therewith, in any manner accountable to the said loan fund board, or to compel previous notice of the intended retirement of any trustee, agent, treasurer, member of committee, or other officer of the said institution, or of any such other institution or society in connexion therewith, or of the intended dissolution of any such last-mentioned Collection or society, to be given to the said loan fund board; and that it be necessary for the said institution, or any such other institution or Ireland which is or shall be established in connexion therewith, or les or fines of the said institutions, or any such other institution or bich is or shall be established in connexion therewith, to be approved ertified by the said loan fund board, or by the secretary thereof, or for any treasurer, trustee, or agent of the said institution, or of any such other tution or society in connexion therewith, to give any security to the said fund board, any thing herein contained to the contrary hereof notwithding; but that the said institution, and the trustees and agents thereof, institution or society in Ireland now or hereafter to be established connection therewith, shall be wholly free and exempt from the control and erference of the said loan fund board, and shall not be required to take any per of forms from the said loan fund board in order to relieve themselves m the stamp duties or to recover any money or instalments due.

societies in confund board.

XI. VIII. And be it enacted, that the trustees and agents in Ireland of the Trustees and d Irish Reproductive Loan Fund Institution, and every institution or ciety of persons which now is or hereafter shall be instituted or associated gether in Ireland by or in connexion with the said Irish Reproductive Fund Institution, for the purpose of making charitable loans of money, in connection for Providing, by way of loan, implements of labour, seeds, or raw materials r manufacture of goods to be used or employed in any trade, shall and may exercise, use, and enjoy all the powers and authorities, rights and medies in this Act contained, in respect to the lending out, recovering, and esting monies, and otherwise in relation to their affairs: Provided always, List of trustees, the said Irish Reproductive Loan Fund Institution shall, within six endar months after the passing of this Act, or, in the case of trustees and sent to loan ents to be hereafter appointed, and of societies to be hereafter established, three calendar months after the appointment or establishment thereof, end, under the hand and seal of their chairman, countersigned by the secreary or manager, to the secretary of the loan fund board in Dublin a written

agents of Irish Reproductive Institution. benefits of

societies to be

list, description, or specification of all trustees and agents of the said society authorized to act in relation to the affairs of the said institution in Ireland, and of all such loan societies or institutions as now are or may hereafter be established in Ireland by or in connexion with the said Irish Reproductive Loan Fund Institution.

Certificate of chairman to be evidence of connection with Irish Reproductive Loan Fund Institution. XLIX. AND be it enacted, that the production of a certificate, under the hand and seal of the chairman and countersigned by the secretary or manager of the said Irish Reproductive Loan Fund Institution, certifying that any person or persons is or are trustees or agents of the said institution, and authorized to act in relation to their affairs in Ireland, or that any society or institution has been established in connexion with the said Irish Reproductive Loan Fund Institution, shall be evidence before all judges and justices, and in all courts, of the fact therein certified, without further proof thereof, and it shall not be necessary to prove the signing or sealing of such certificate.

Restricting powers of said institution and its connexions as to borrowing or lending under this Act.

L. AND be it enacted, that it shall not be lawful for any trustee or agent of the said Irish Reproductive Loan Fund Institution, or for any society claiming exemption in consequence of their connexion therewith, to take or hold upon debentures or other securities, or to lend out, under the provisions of this Act, any monies, implements, goods, or effects, other than the monies, implements, goods, and effects of the said Irish Reproductive Loan Fund Institution.

Societies in connexion with the institution not entitled to benefit of this Act in certain cases.

LI. And be it enacted, that no trustee or agent of the said institution, nor any society in connexion therewith, shall be entitled to the benefit of this Act, which shall not at the time of claiming such benefit be actually in connexion with the said Irish Reproductive Loan Fund Institution, or which shall take or hold any monies, implements, goods, or effects, other than the monies, implements, goods, and effects of the said Irish Reproductive Loan Fund Institution: Provided also, that if by any means any such connexion which shall or may at any time hereafter subsist between the said Irish Reproductive Loan Fund Institution and any loan society or institution in Ireland shall be determined or dissolved, then and so often as the same shall happen the said Irish Reproductive Loan Fund Institution shall, with all reasonable speed after such determination or dissolution, send a written notice thereof, under the hand and seal of the chairman countersigned by the secretary or manager, to the secretary of the said loan fund board in Dublin.

On discontinuance of connexion, the institution to give notice to the loan fund board in Dublin.

LII. AND be it enacted, that the said Irish Reproductive Loan Fund Institution shall, on or before the thirty-first day of March in every year, cause a report of their own proceedings, and also an abstract of the proceedings, as required for societies certified under this Act, of the several loan societies under their control and superintendence, during the year ending the thirty-first day of December next preceding, to be prepared, which report shall contain an account of all monies and funds which shall have come to the hands or been placed to the credit of the said institution, and of the loan societies connected therewith, and of the particular sources from which derived, and of all and every the monies expended or lent during the said year, and for what purposes and upon what account respectively, and showing the balance then standing to the credit of the said institution; and such report shall be signed by the chairman and secretary of the said Irish Reproductive Loan Fund Institution, and laid before both Houses of Parliament within one month after the same shall have been prepared, if Parliament shall be then

Irish Reproductive Loan Fund Institution to report yearly to Parliament.

or within one month after the commencement of the then next ession.

LIII. AND be it enacted, that if after the passing of this Act any person Societies not or persons, not being a society the rules whereof shall have been duly certified under this Act, &c. pursuant to the provisions of the said recited Acts or this Act, or any society and their stablished under the said Acts or this Act from which the certificate shall and office ave been withdrawn by the said loan fund board in exercise of the powers prohibited pereby vested in them in that behalf, shall, under the false pretence of being under a a society so established and authorized, raise money by depentures, or issue penalty of 20%. any loan, or impose any fine, or use any other of the advantages and privileges of a loan society duly established as aforesaid, or if the managers, trustees, or officers of any society claiming exemption from the inspection and control of the said loan fund board in consequence of their connexion with the said Irish Reproductive Loan Fund Institution shall at any time raise, take up, hold, or lend out under the provisions of this Act any monies, goods, or effects other than those of the said Irish Reproductive Loan Fund Institution, then and in every such case every such person or member of such society, and every officer, clerk, and agent thereof, and every other person who shall aid or assist Meric, shall for every such offence forfeit and pay any sum not exceeding Pounds, to be recovered as herein-after mentioned.

from acting,

- And be it enacted, that all societies now or hereafter to be formed Monts de Purpose of establishing, supporting, or conducting monts de piété or piété or charitable pawn table pawn or deposit offices, at which money may be lent to the in- or deposit poor upon pledge in Ireland, shall be deemed loan societies within deemed loan nearing of this Act; and all and every the powers and authorities hereby societies the said loan fund board for the purpose of superintending and be subject to rolling loan societies in Ireland, and for enforcing the due observance of provisions of r rules, and the provisions of this Act, shall extend to and shall and may Exercised in respect of all such charitable pawn or deposit offices, and the ieties or persons by whom they have been or may be established, and the stees, conductors, managers, officers, clerks, and servants thereof respecely; and the rules framed for the management of all such institutions shall Their rules to certified by the secretary of the loan fund board, within the same period, dunder pain of the same disqualifications and penalties, as are herein proded with respect to the loan societies; and all and every other the clauses denactments herein contained, so far as the said loan fund board, having

ie regard to the legitimate objects of such charitable pawn or deposit offices, all deem it expedient to apply them, shall extend and be deemed and conrued to extend to such charitable pawn or deposit offices as aforesaid, and all persons interested therein; and that all such societies formed for the Societies whose of establishing, supporting, or conducting such charitable pawn or rules shall be posit offices, the rules whereof shall be duly certified under the provisions be entitled this Act, shall be entitled to all and every the benefits, privileges, exempto benefits ns, and advantages which by an Act passed in the last session of Parliament, 5 & 6 Vict. tituled "An Act to remove doubts touching the law relating to charitable ties complying Pawn or deposit offices in Ireland," are conferred upon or declared to belong with provisions such institutions or societies established for the purpose aforesaid as shall c. 55. complied with the provisions of the said recited Act of the sixth and

seventh years of the reign of his late Majesty.

Recovery of penalties imposed by the Act.

Penalties may be levied by distress and sale of the goods of offender. LVI. And be it enacted, that all and every the penalties and forfeitures imposed under the authority of this Act, together with the costs of all proceedings for the recovery thereof, may, in case of nonpayment thereof, be levied by distress and sale of the goods and chattels of the offender or person liable to pay the same, by warrant under the hand or hands of the convicting justice or justices, or any of them, or any other justice or justices of the peace for the same county or place.

Summons, information, and conviction for recovery of penalties may be in the forms given in schedule (C.)

LVII. And be it enacted, that any justice or justices of the peace before whom any information shall be laid in writing against any person, or before whom any person shall be convicted for any offence under this Act, may cause the information, summons, and conviction to be drawn up according to the forms respectively given in schedule (C.) to this Act annexed, or any other form to the same effect, as the case may require; and in any information, and in every conviction for any offence contrary to this Act, it shall be sufficient if the offence shall be stated in the words of this Act.

Trustees, &c. of loan societies not precluded from acting as justices in any proceeding under this Act.

If action brought for any trespass, &c. done in execution of the Act, plaintiff not to recover after tender of sufficient amends.

LIX. And be it enacted, that no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, or by virtue of any power or authority hereby given, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding before such action brought; and in case no tender shall have been made it shall be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall think fit, whereupon such proceeding, order, or adjudication shall be had and made in and by such court as in other actions where defendants are allowed to pay money into court.

Payment into court.

LX. And whereas there are some places not included in any petty sessions district: Be it therefore enacted, that all and every the proceedings herein directed to be had before and the jurisdictions hereby given to the justices at petty sessions shall and may in every such place be had before and exercised by any one or more justices of the peace acting in and for such place so not included in any petty sessions district.

Provision for places not included in any petty sessions district.

LXI. And be it enacted, that no action, suit, or information of what nature soever shall be brought, commenced, or prosecuted against any person employed in the management of a loan fund acting or established under the provisions of

Notice and limitation of actions.

this Act for any thing or matter done or omitted to be done in pursuance of this Act, or in the execution of any power or authority under this Act, unless twenty days previous notice in writing shall be given by the party intending to commence and prosecute such action, suit, information, or other proceeding to the intended defendant, nor unless such action, suit, or information, or other proceedings shall be brought or commenced within six calendar months next after the act committed; and if the plaintiff shall become nonsuited, or shall Costs. suffer a discontinuance of his action, suit, information, or other proceeding after the defendant shall have appeared thereto, or if a verdict shall pass gainst the plain tiff therein, or if upon demurrer or otherwise judgment shall given against the plaintiff, the defendant shall have his costs as between torney and client, and shall have such remedy for recovering the same as fendants have for recovering costs of suit by law in other cases.

LXII. AND be it enacted, that in the construction of this Act the words Interpretation ord lieutenant of Ireland" shall include the chief governor or governors of of Act. land for the time being, and that all words importing the singular number the masculine gender only shall be understood to include several matters as las one matter, and several persons as well as one person, and females as l as males, and bodies corporate as well as individuals, unless it be otherse specially provided, or there be something in the subject or context ugnant to such construction.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

M of Certificate to be granted by the Loan Fund Board to a Loan Society Or Mont de Piété, to entitle the same to the Benefit of this Act.

HIS is to certify, that the rules of the loan society [or mont the case may be,] hereunto annexed, numbered roved by the loan fund board, and duly certified to be in conformity to and that the said society is entitled to all the benefits of an Act passed in session held in the sixth and seventh years of the reign of Queen Victoria, An Act to consolidate and amend the laws for the regulation of naritable loan societies in Ireland."

By order of the loan fund board, this Signed day of

Secretary to the loan fund board.

. No. 2.

Promissory Note or Security for the Repayment of Money lent by a Loan Society.

and we jointly and severally, or any two of us, promise to pay to treasurer for the time being of the

the times and in the manner prescribed by the rules of the said society, the sum of sterling, together with all fines which may be incurred by us or any of us under the rules of the said society.

Dated this day of 18.

Dated this £	day of	18 .	
Witness	Names.	Residence.	Occupation.
Witness,			Borrower.
		**************************************	} Sureties.

No. 3.

FORM of Debenture or Security for the Payment of Money lent to a Loan Society.

This is to certify, that A.B. of has this day deposited with loan society, the sum of £ C.D., the treasurer of the be repaid out of the funds of the said society to the said A.B., his executors, administrators, or assigns, at the expiration of calendar months after a demand thereof in writing shall have been made upon the treasurer of the said society, and to bear interest until repaid at the rate of per annum, to be paid half-yearly [or otherwise, as agreed upon]; and it is hereby declared, that the said principal sum and interest shall be a charge upon and payable out of the funds and property of the said society, and such funds and property only; and that the treasurer and other officers and members of the said society, or any of them, shall not severally or collectively be responsible for the payment thereof from or out of any other funds whatsoever. D

ated this	day of	•	18 .	
		(Signed)		Trustee.
				Treasurer
		Entered		Clerk.

No. 4.

FORM of Transfer of Debenture to be endorsed thereon.

I , the within-nam "within debenture"], do hereby transfer	ed depositor [or "the as this debenture, with all	
and to accrue due in respect thereof, unto	=	•
Witness my hand, this	day of	18 .
[Signatu	are of person making the	transfer.]

Executed in the presence of and of

of

N.B.—The transfer is not valid unless it shall have been executed at the office, and registered in the books of the society by which the debenture was issued.

No. 5.

Form of Bond to be given by the Treasurer or other Officer of a Loan Society for the due Performance of his Office.

Know all men by these presents, that we, A.B. of treasurer [or clerk, &c.] of the loan society, and C.D. and E.F. of , are jointly and severally held and firmly bound to G.N., secretary to the loan fund board established under an Act passed in the session held in the sixth and seventh years of the reigra of Queen Victoria, intituled "An Act to consolidate and "amend the laws for the regulation of charitable loan secieties in Ireland," in the sum of £ , to be paid to the said G.N. as such secretary as aforesaid, or other the secretary of the said board for the time being, or to his certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated the in the year of our day of Lord Whereas the above-bounden A.B. hath been duly appointed treasurer [or clerk, &c.] of the loan

Now the condition of the above-written bond is such, that if the said A.B. hall and do justly and faithfully execute his office of treasurer [or clerk] of loan society, and shall and do from time to time and at all times when required by the said society, or any person or persons by them in at behalf authorized, or by the loan fund board, or by the secretary or any der officers by the said board in that behalf authorized, render a true account of all monies received and paid by him the said A.B. on Of the said society, or in execution of his said office, or in relation and produce and exhibit to the person so requiring him as aforesaid accounts, vouchers, papers, and documents of or belonging to the society, or relating to the affairs thereof, in his hands, custody, or power, and shall pay over all monies remaining in his hand, and assign or $\mathbf{f_{er}}$ Or deliver all securities and effects, books, papers, and property of or to the said society, in his hands, custody, or power, to such person as the said society, so long as the same shall exist and continue as one send society, shall appoint, or, in case and so soon and society shall cease to exist or be duly authorized to act as a loan en to such person or persons as the said loan fund board, or any duly officer or officers thereof, shall appoint, and do and shall conform to ve all and every the rules in force for the time being of the said and in all other respects well and truly and faithfully perform and duties of the said office, then the above-written bond shall be void effect, but otherwise the same shall be and remain in full force and e.

SCHEDULE (B.)

No. 1.

FORM of Loan Fund Summons.

County of
to wit.
The treasurer of the
loan society,
Plaintiff.

You are hereby required to appear personally before me, or any other justice or justices of the peace for the said county who shall be present, at , at the the day of 184 of the clock in the hour of noon of the same day, to answer the complaint of the plaintiff, and show cause why you neglect to pay him the sum of £ , being the amount alleged by the plaintiff to be due to him as treasurer of the said loan society on your note bearing date the for fines incurred under the rules of the said society; and in default of your appearance at the time and place aforesaid the case will proceed in your absence as to justice shall appertain. Dated this (Signed)

Defendants.

To the defendants above named.

Justice of the peace, &c. for the said county.

No. 2.

WARRANT.

No.
County of
Petty sessions to wit.
The treasurer of the loan society,
Plaintiff.

Br J.P., at the petty sessions of , in the county of .

It appearing to me that a summons was duly served on the defendant , and that the defendant justly indebted to the plaintiff in the sum of pounds shillings and pence sterling, for

A., borrower, of
[Place of abode.]
B., security, of
[Place of abode.]
C., security, of
[Place of abode.]

It is therefore ordered and decreed by me, that the plaintiff do recover from the defendant the said sum, together with costs. And these are therefore to authorize and command you to distrain and sell the goods and chattels of the defendant and every of them, and out of the proceeds of such sale to pay the plaintiff the said sum of pounds, and also to pay all costs and charges attending such distress and sale, returning the overplus (if any) to the defendant, or to such of them as may have been the owners of the goods so seized and sold.

Given under my hand, this

day of

To all constables, bailiffs, and others to whom it may concern.

J.P.

Seal.

SCHEDULE (O.)

No. 1.

FORM of Infor	mation for the Recovery of a Penalty or Forfeiture under the foregoing Act.
ounty of to wit.	A.B. of cometh before me, a justice of the peace for the said county, on the day of , at within the said county,
nd giveth me to here describe the	understand and be informed that C.D. of did, &c.
	No. 2.
	mons for the Recovery of a Penalty or Forfeiture under this Act.
cons, "to ans	, charging that you did, &c. [here set forth the offence formation, or, if a copy of the information is served with the swer the complaint set forth in the information with a copy se herewith furnished."] Dated this day of . (Signed) Justice of the peace for the said county.
RM of a Conv	No. 3. iction for a Penalty or Forfeiture under the foregoing Act.
to wit.	BE it remembered, that on the day of , before me, one of the justices of the peace for the said county, sitting at in the said county, C.D. of
did, &c., [here his said offence applied and disovided, and that	the information of A.B. of , is convicted, that state the offence.] I do therefore adjudge that the said C.D. e do forfeit and pay the sum of £ sterling, to sposed of as directed by the statute in that case made and it the said C.D. do further pay to the said A.B. the sum of for his costs in this behalf. y hand, the day and year first above written. (Signed)

CHAPTER XCII.

AN ACT for the further Amendment of an Act for the more effectual Relief of the destitute Poor in Ireland. [24th August 1843.]

TATHEREAS it is expedient that certain amendments should be made in the provisions of an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty, intituled "An Act " for the more effectual relief of the destitute poor in Ireland," and of an Act passed in the second year of the reign of her present Majesty to amend the same: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that whenever the net annual value of the whole of the rateable hereditaments in any union occupied by any person or persons having no greater estate or interest therein than a tenancy from year to year, or holding under any lease or agreement, leases or agreements, made after the passing of this Act, shall not exceed four pounds, or, in any electoral division situated wholly or in part within any of the boroughs named in the schedule annexed to this Act, shall not exceed eight pounds, I-I the rate in respect of such property shall, after the passing of this Act, be made on the immediate lessor or lessors of such person or persons; and if at the time of making any rate the name of the immediate lessor be not accurately known to the persons making the rate it shall be sufficient to describe him therein as "the immediate lessor," with or without any name or further addition, and such rate shall be held to be duly made on him by such description, and shall be recoverable from him accordingly, notwithstanding any error or defect in his name or description, or the entire omission of his name therein.

Recovery of rates from lessors by action or civil bill, or by proceedings before justices.

1 & 2 Vict.

Lessors of property of

less value

in unions than 4l., or

in certain

boroughs than 8l., to be rated for

the same.

c. 56. 2 & 3 Vict.

c. 1.

II. And be it enacted, that any rate or rates made as aforesaid on any lessor in respect of any property, whether occupied by one or more occupiers, shall be recovered from him by all or any of the remedies, ways, and means herein-after mentioned; (that is to say,) by action or suit in the name of the guardians of the union against such lessor in any of the superior courts of record in Dublin, or by civil bill in the court of proper jurisdiction; or, wheresuch lessor resides within any county in which such union or any part thereof is situate, whether the property in respect of which such rate is made be or be not within such county, the collector of the rate may, by direction of the guardians, leave at the dwelling house of such lessor a notice, bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the rate within fifteen days from the date of such notice, and expressing that within fifteen days the money demanded may be paid to the collector at his house or office; and if such rate be not paid within such time, then it shall be lawful for such collector to prefer a complaint to any justice of the peace of the county in which the lessor may so reside, and such justice shall summon the lessor so complained against to appear before him in petty sessions and answer the said complaint, and shall at the time specified in such summons examine into the matter of such complaint on oath (which oath the justice is hereby empowered to administer),

I So much of section 1 as relates to the boroughs or any of them named in the schedule to this Act annexed, rep., 13 & 14 Vict. c. 69, s. 116.

ad shall direct the payment to such collector of such sum of money as he hall find due and payable as rate by such lessor, together with a sum certain and for such reasonable costs and charges as to such justice shall seem eet; and in default of the appearance of such lessor, or on his refusal or Distress. eglect forthwith to pay the sum or sums so by such justice directed to be. aid, it shall be lawful for such justice, or for any justice of the peace for such ounty, to issue his warrant authorizing or empowering the said collector to the money thereby ordered to be paid by distress and sale of any goods r chattels of such lessor which may be found within any part of such county, rendering the overplus, if any, to such lessor, the necessary charges and expences of distraining being first thereout deducted, as directed by such justice; and if sufficient distress cannot be found within the same county, then on oath thereof made before any justice of the peace of any other county in which any of the goods and chattels of such lessor may be found, (which oath such justice shall administer, and certify by indorsing in his handwriting his name on the warrant granted to make such distress,) the goods or chattels of such lessor shall be subject and liable to such distress and sale in such other where the same may be found, and may by virtue of such warrant and be distrained and sold in the same manner as if the same had been In mithin such first-mentioned county; and in any such action or suit, or or complaint before a justice of the peace against such lessor as afore-1essee or occupier of the property in respect of which such lessor shall shall be disabled or prevented from giving evidence therein by reason such lessee or occupier, or of any liability to pay rate in respect property: Provided always, that no action shall be brought in any of Perior courts of record in Dublin without the consent of the poor law aissioners.

1. And be it enacted, that if such rate be not paid by such lessor within If rate be calendar months after the making thereof it shall be lawful for the not paid by the lessor diams of the union to give notice in writing, in the same manner in which it may be monses may be served under the said first-recited Act, to the occupier or recovered from the ective occupiers of any such property, to pay the rate due in respect of the occupier, who perty in his or their occupation; and after the expiration of one calendar may deduct it from rent, or from the time of giving such notice it shall be lawful to recover such recover it from imentioned rate from every such occupier, or, in his default, from any bill, sequent occupier, according to the provisions of the said Act; and every supier so paying such rate may deduct from the rent he may be then or xt thereafter liable to pay in respect of any such property the whole of any to he may have paid in respect of the same property; and if rent sufficient cover such rate be not then or do not thereafter become due from such tupier he shall be entitled to recover the same from such lessor by civil bill; Agreement by any covenant or agreement by which any such occupier shall have waive right to enanted or agreed to forego the deduction of any such rate shall, so far as deduct void. h rate is concerned, be of no effect.

AND be it enacted, that where any house is let in separate apartments Where houses lodgings no tenant of any such apartment or lodging shall be liable to be lodgings, the in respect thereof, but the rate shall be made in respect of the whole of tenant of the house upon the immediate lessor under whom such apartments or lodgings to be liable. re held; and such rate shall be recovered from such lessor by all or any of

Rate not paid by lessor may be recovered from occupier, and by him deducted from rent or recovered from lessor by civil bill,

Tenements held separately with exclusive right of ingress may be rated separately, and lessor may be rated for the same.

Provisions of 3 & 4 Vict. c. 108. as to obcupiers claiming to be rated not affected.

Goods found on premises, to whomsoever they belong, may be distrained.

1 & 2 Vict. c. 55. s. 106.

2 & 8 Viet. c. 1. s. 9.

the remedies, ways, and means herein-before provided for the recovery of rates where lessors may be rated: Provided always, that if such rate be not paid by such lessor within thirty-one days after the making thereof it shall be lawful for the collector to recover such rate from any person or persons in occupation of such apartments or lodgings, according to the provisions of the said firstrecited Act; and every occupier of such apartment or lodging so paying such rate may deduct from the rent he may be then or next thereafter liable to pay in respect thereof the whole of any rate he may have paid in respect of the same; and if rent sufficient to cover such rate and money be not then or do not thereafter become due from such occupier, he shall be entitled to recover the same from such lessor by civil bill: Provided always, that nothing herein contained shall prevent the separate valuation and rating of such portions of a tenement as are held separately from the remainder, and to which there is an exclusive right of ingress: Provided always, that nothing herein contained shall prevent the rate in respect of such house as last aforesaid from being made under the provisions herein-before contained on the immediate lessor under whom the whole of such house is held: Provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an Act of the third and fourth year of the reign of her present Majesty, intituled "An " Act for the regulation of !municipal corporations in Ireland," which enables any persons occupying any house, warehouse, counting-house, or shop to claim to be rated to the relief of the poor in respect of such premises respectively, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof, and to be enrolled as a burgess under the conditions provided in the said recited Act.

VI. And be it enacted, that in all cases in which under the said first-recited Act or this Act it is made lawful to levy any money by distress and sale of the goods of any person, all goods and chattels, to whomsoever the same may belong, found on any premises in respect of which any person is or shall be rated as the occupier, or as occupier of which he is liable to pay the rate, shall be liable to be distrained and sold as if they were the goods and chattels of such person.

VIII. AND whereas by the said recited Act passed in the first and second years of her Majesty's reign the power of appeal against a rate was given in certain cases to any session of the peace to be held in the presence of the assistant barrister in and for the county in which such rate should have been made, and by the said Act passed in the second year of the reign of her Majesty it was enacted, that every such appeal should be made and heard and the matter thereof determined by any general or quarter sessions of the peace held for the county, county of a city, or county of a town in which the cause of complaint may have arisen, although such session should not be held in the presence of an assistant barrister: And whereas certain unions extend over portions of counties and portions of counties of cities and towns, and doubts have arisen whether in such case an appeal against a rate ought to be made to the sessions of the peace for the county or county of the city or town in which the workhouse of the union is situate, or to the sessions of the peace in which the rateable hereditament in respect of which the appeal is intended to be

ade is situate, and it is expedient to remove such doubts: Be it enacted, To what at in case the rateable hereditament in respect of which any appeal against sessions appeals against rates rate is intended to be brought shall be situate or arise wholly within any shall be made. unty at large, or wholly within any county of a city or town for which a neral or quarter sessions of the peace shall be held, the appeal against such te shall be made to the sessions of the peace of the county or county of the ty or town (as the case may be) within which such hereditament shall be tuate or arise; and in case such hereditament shall be situate or arise partly within a county at large and partly within a county of a city or town for which a general or quarter sessions shall be held, then to the sessions of such county at large or such county of a city or town to which the appellant shall choose to appeal.

first rate shall be made in any union under the provisions of the said Act, recited and also previously to the making of any subsequent rate upon any new valuation, the said guardians shall give such notice as the commissioners shall direct of the place and period, not to be less than twenty-one days, at and during which the valuation whereon it is proposed that a rate shall be made Fateable property within the union may be seen; and such valuation be shown at such place and during such period, by such persons as gazaralians shall direct, and every ratepayer within such union shall be at all times between the hours of ten and four during such period spect such valuation: Be it enacted, that the same shall be and is hereby and repealed.

IX. AND whereas by the said first-recited Act it is provided, that before the 1 & 2 Vict.

alec and that [Rep., Stat. Law Rev. Act, 1874 (No. 2).] it shall be lawful for Valuation on persons affected by any rate in force in any union at all times which any rate is made may ween o'clock in the forenoon and four o'clock in the afternoon, Sundays be inspected epted, to inspect every valuation on which such rate shall have been made, at reasonable times. to take copies thereof or extracts therefrom, without paying any thing for e same; and in case the person or persons having the custody of any such Penalty for luation refuse to permit such person or persons so affected by the rate as allow persons bises to take copies thereof or extracts therefrom, the person or persons to take copies. refusing, or not permitting any such copy or extract to be made, shall for ery such offence forfeit and pay any sum not exceeding ten shillings, to be covered as penalties and forfeitures are recoverable under the said Act.

X. AND be it enacted, that the provisions of the said first-recited Act by which Repeal of is required that certain particulars set forth in a form in a schedule to the said Act c. 56. s. 65. as to form of corm, shall be and is hereby repealed; and [Rep. Stat. Law Rev. Act, 1874 (No. 2).] hat it shall be lawful for the said commissioners from time to time to precribe the form in which rates shall be made, and the particulars which shall to prescribe e contained in the rate book; and that hereafter the clerk to the guardians form of rate other officers as aforesaid shall at the foot of every rate certify that such to be entered te, in so far as the value of the hereditaments therein assessed is concerned, in rate book. in conformity with the valuation in force for the time being; and that after that rate is in ach clerk shall have so certified, if the board of guardians shall adopt such accordance ate, the chairman of the day and two or more of the guardians present shall with valuation, and guardians at the foot thereof that they do allow the same, and shall sign such to allow the allowance, and such rate shall be deemed to have been made at the time of same. the signature of such allowance: Provided always, that in respect of all rate-

Certain particulars to be stated in ratebook as to rateable hereditaments in boroughs subject to 3 & 4 Vict. c. 108.

Rates for the county of Dublin to be collected as grand jury cess in any other county in Ireland.

Residence defined for the purpose of charging relief to electoral divisions, or to sessions.

Appeal from the decision of guardians on the question of residence.

Costs of appeal.

able hereditaments situated in any of the boroughs named in the schedules (A.) and (B.) annexed to the Act passed in the fourth year of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations "in Ireland," or in any other town to which a charter of incorporation may under the said Act be granted, the rate book shall, in addition to any other necessary particulars, contain an account of the estimated net annual value of such rateable hereditaments, and an estimate of the probable annual average cost of the landlord's repairs and landlord's insurance.

XI. And be it enacted, that every rate made under the authority of this or the said first-recited Act on any electoral division in the county or the county of the city of Dublin, and any money authorized and directed to be levied under any warrant for the levying of poor rate in the said county or county of the city of Dublin, shall and may be collected and levied, sued for and recovered, by such and the same ways and means, and with the like remedies and powers in case of nonpayment, as the grand jury cess or the money applotted on the several persons liable to pay the same may be collected and levied in any other county in Ireland.

XII. AND be it enacted, that, for the purpose of charging the expence of relief to any electoral division, no person shall after the passing of this Act be deemed to have been resident in such electoral division, unless during the eighteen calendar months before his admission into the workhouse he have occupied some tenement within such division for twelve calendar months, or (if he have not so occupied some tenement) have usually slept within such division for the period of twelve calendar months; and the expence of the relief of all other persons who have not so occupied a tenement, or slept within such division, shall be borne by and charged against the whole union in which they are relieved; and whenever any person, after quitting the workhouse of any union, is again admitted within the space of six calendar months, the expence incurred in respect of such person shall be borne and charged in the same manner as before his so quitting the workhouse: Provided always, that every child relieved at the same time with any person liable under the provisions of the said first-recited Act to maintain such child shall be deemed to have been resident with such person, and its relief shall be charged to the electoral division or union, as the case may be, accordingly.

XIII. And be it enacted, that if any person be described in the register book as resident in any electoral division who has not so occupied a tenement or so slept in such division as aforesaid it shall be lawful for the guardian or guardians of such electoral division, or a majority of them, or for any three or more of the ten persons rated on the largest amount of net annual value within the electoral division, with the consent in writing of the commissioners first obtained, to appeal against the decision of the board of guardians, in the same manner as any person aggrieved by an order or conviction of justices may appeal under the said first and secondly recited Acts; and if the justices and assistant barrister or recorder do not see fit to award costs to either party the guardians shall charge their costs to the whole of the union; and if the justices and assistant barrister or recorder see fit to award costs to the respondents the guardians of the union shall charge their costs to the electoral division on whose behalf the appeal is entered; and if they see fit to award costs to the appellant the guardians of the union shall pay such costs, and shall

the same to the rest of the union exclusively of such electoral arge strict.

XIV. AND be it enacted, that the guardians of any union may send any Maintenance estitute poor deaf and dumb or blind child under the age of eighteen to any dumb or blind stitution for the maintenance of the deaf and dumb or blind which may be children in of by the commissioners, with the consent of the parents or proved nardians of such child, and may pay the expence of its maintenance there the commisut of the rates raised under the authority of the said first-recited Act.

XV. AND be it enacted, that it shall be lawful for the guardians of any union to pay out of the rates raised under the authority of the said first-recited veyance of Act the expence incurred in conveying any destitute poor person from the workhouse Workhouse of the union to any fever hospital or lunatic asylum, and in maintaining any such destitute poor person in such fever hospital.

XVI. AND be it enacted, that it shall be lawful for the guardians of any and main-tenance there. union, if they shall think fit, subject to such regulations as the poor law commissioners may from time to time prescribe, to provide relief for poor persons reception of fever patient affected with fever or other dangerous contagious disease, in a house or houses &c. may be provided. or rented for the reception and medical treatment of such poor persons provided. Their illness and convalescence, or by appropriating for that purpose portion or portions of the union workhouses as the guardians, with the of the poor law commissioners, shall consider it safe and convenient e SO applied, and to charge the expence so incurred on the rates of such DI.

VII. And be it enacted, that it shall be lawful for the guardians of any Guardians n to pay any expence reasonably incurred in following, apprehending, or expences of secuting any person guilty of any offence against the provisions of the said prosecuting t-recited Act, or of any Act or Acts to amend the same.

XVIII. And be it enacted, that it shall be lawful for two thirds of the Guardians ardians of any union, subject to the regulations of the commissioners, to be destitute poor ade with the consent of her Majesty's principal secretary of state for the persons to lonial department, to assist any destitute poor person who actually is and as been for three months an inmate in the workhouse of such union, and who as been approved by the commissioners, to emigrate to a British colony, and charge the expences of such emigration on the union or electoral division to which such destitute poor person has been chargeable, but the amount of such xpences shall not in any one year exceed sixpence in the pound of the net nnual value of the rateable property in the electoral division or union espectively; and it shall be lawful for two thirds of the commissioners and guardians respectively to exercise these powers although no meeting of the ate-Payers of such electoral division or union have been held, any thing in he said first-recited Act to the contrary notwithstanding.

XIX. And be it enacted, that in case the number of the justices appointed In case of act as ex-officio guardians of any union be reduced by the death, removal, amongst exr disqualification of any such ex-officio guardians during the year for which officio guaris appointed to serve, the commissioners may, by order, appoint a day commissioners before the expiration of the year on which the justices of the peace residing in may appoint the union may assemble at a meeting to appoint, in the manner provided by new election. the said Act, another justice to serve until the next appointment of ex-officio

approved by sioners may be paid out of rates. as also conhospital or lunatic asylum,

guardians for the same union in the place of every ex-officio guardian who has so died, been removed, or become disqualified.

Candidates nominated may refuse to serve, and their election shall not be proceeded with.

1 & 2 Vict. c. 56. s. 25.

2 & 3 Vict. c. 1. s. 2.

Commissioners may order fresh election to supply vacancies when they see fit. Persons convicted of certain offences incapable of being guardians.

Disputes as to rights to act as elective guardians may be determined by the commissioners.

Certiorari,

1 & 2 Vict. c. 56. s. 84. XX. AND be it enacted, that if any person put in nomination for the office of guardian in any electoral division or ward tender to the officer conducting the election of guardians his refusal, in writing, to serve such office, the election of guardians, so far as regards such person, shall be no further proceeded with in such electoral division or ward.

XXI. And whereas by the said first-recited Act it is provided, that in case an election of guardians for any electoral division or for any union shall not take place in obedience to the orders of the commissioners, and in pursuance of the said Act, or in case any guardian duly elected shall neglect or refuse to act, the commissioners shall order a fresh election of guardians for such electoral division, or shall declare the place of such guardian as aforesaid to be void, as the case may be, and in such latter case shall order a fresh election of a guardian in lieu of such guardian as aforesaid: And whereas by the said secondly-recited Act the like provision is extended to wards formed for the election of guardians: And whereas it is desirable that the power to order a fresh election should be extended to all cases of vacancy in the office of guardian, but it is in certain cases expedient that a fresh election should not be ordered before the period for the next annual election: Be it therefore enacted, that in every case of vacancy in the office of guardian the commissioners shall order a fresh election, if they think fit, but not otherwise, any thing in the said Acts to the contrary notwithstanding.

XXII. AND be it enacted, that no person who has been convicted of felony, fraud, or perjury, nor any person who has been adjudged to be liable to any forfeiture for having provided, furnished, or supplied for his own profit any materials, goods, or provisions for the use of any workhouse, or for having been concerned in furnishing or supplying the same, or in any contract relating thereto, shall be capable of being elected or appointed or of acting as a guardian.

XXIII. And be it enacted, that in case any question arise as to the right of any person to act as an elective guardian it shall be lawful for the said commissioners, if they see fit, to inquire into the circumstances of the case, and to issue such order or orders therein, under their hands and seal, as they may deem requisite for determining the question; and no such order shall be liable to be removed by writ of certiorari into the Court of Queen's Bench, unless the application for such writ be made during the term next after the issuing of such order.

XXIV. AND whereas by the said first-recited Act it is provided, that no rate-payer shall be entitled to vote, either in person or proxy, in respect of any property not in his actual occupation, or to give any vote in addition to the vote or votes to which he would be entitled as an occupier paying rent equal to the net annual value of the property in his actual occupation, unless he or his proxy shall, one week at the least previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in respect of which he claims to vote, and of his interest therein, and, if such proxy shall claim to vote, the original or an attested copy of the writing appointing such proxy, to the guardians, or some person acting as the returning officer of the election of guardians: And

whereas the period of one week between the giving of such statements, descriptions, and writings, and the day of the voting, is not sufficient for the due examination of such statements, descriptions, and writings: Be it enacted, Owners and that no rate-payer shall be entitled to vote as aforesaid, or to give such additional vote as aforesaid, until one calendar month after the said statement claims one and description, and, in the case of a proxy, until one calendar month after the voting. said original or copy of his appointment, have been given to the guardians or other person as aforesaid.

XXV. And be it enacted, that if any person shall knowingly and fraudu-Penalty for lently, and with the intent of giving a greater number of votes than he is by making or law entitled to give, tender or forward to the returning officer a false state- statement of ment of the grounds on which he claims to vote or give additional votes, or claim to vote, &c. and for shall forge, falsify, or knowingly and fraudulently alter, after signature, any suppressing paper containing a statement of claim to vote, proxy, nomination, or vote for &c. the election of guardians, or refusal to serve the office of guardian, or shall conspire to forge, falsify, or so alter any such paper, or shall knowingly tender or forward to the proper officer any such paper forged, falsified, or so altered as aforesaid, or shall wilfully suppress, carry off, destroy, or deface any statement of claim to vote, proxy, or nomination of a candidate for the office of guardian, after the same shall be duly signed, or shall in like manner suppress, carry off, destroy, or deface any voting paper after the same shall have been issued by the returning officer, he shall forfeit not more than ten pounds, to be recovered as penalties and forfeitures under the said first-recited Act.

AND be it declared and enacted, that if at any election of guardians Returning officer may the returning officer have reasonable cause to doubt the correctness of any quire evidence Vote made by any person in respect of rent received and retained by in support of claim to vote nch person, such returning officer shall not admit such person to vote in such in respect of in respect of such rent until such person produce evidence to the rent received. tisfaction of such returning officer of the amount of such rent.

XX VIII. AND be it enacted, that the said recited Acts and this Act shall Recited Acts and this Act shall and this Act correct need as one Act, except so far as the provisions of any one of such to be construed as one repeal or alter the provisions of any previous Act.

strued as one Act.

SCHEDULE to which this Act refers. [a]

DUBLIN, Cork, LIMERICK, BELFAST, and WATERFORD.

· CHAPTER XCIII.

An Acr to amend an Act of the Third and Fourth Years of Her present Majesty for the Regulation of Municipal Corporations in Ireland.

[24th August 1843.]

3 & 4 Vict. c. 108. s. 41.

HEREAS an Act was passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," whereby it was amongst other things enacted, that the several and respective collectors of the poor rates and of all grand jury and municipal cesses, rates, and taxes payable within any borough in which the said Act should come into operation shall, on or before the third day of September in every year, make out, or cause to be made out, according to a certain form, an alphabetical list of all persons who shall be subject to the payment of such poor rate, cesses, rates, or taxes within the limits of such borough, and within the collection of the person by whom or by whose direction the same shall be made out; and that every such collector shall sign the list so to be made out for his collection, and cause a true copy of such list to be prepared, and keep the same, to be perused by any person, without payment of any fee, at all reasonable times during the ten days next after the said third day of September, and on the same third day of September deliver the list, so signed by him as aforesaid, to the town clerk of such borough; and that such town clerk shall forthwith cause to be printed true copies of every such list, and deliver one or more of such respective printed copies to any person applying for the same, on payment of a reasonable price not exceeding one shilling for each copy: And whereas the said enactment has been found inconvenient and expensive, and it is expedient that the same should be repealed, and other provision made in lieu thereof: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the herein-before recited enactment shall be and the same is hereby repealed, save and except so far as relates to any matter or thing done in pursuance thereof before the passing of this Act. [Rep., Stat. Law Rev. Act, 1874 (No. 2).

Recited enactment repealed.

Town clerk to prepare a book containing the names of persons entitled to be burgesses, arranged alphabetically, according to the form in the schedule.

Separate books to be prepared for separate wards.

II. And be it enacted, that on or before the eighth day of September in every year the town clerk of any borough in which the said Act now is or hereafter shall come into operation shall, in a book to be by him provided for that purpose, enter the names of all persons who shall appear to be entitled to be enrolled as burgesses of such borough in the burgess roll then next to be made in right of inhabitancy and occupation and rating according to the provisions of the said recited Act, with the premises in respect whereof they may be so entitled; and all such names shall be arranged alphabetically, and numbered, beginning the numbers from the first name in such book, and continuing them in a regular series to the last name in such book; and such book shall be made out according to the form in the schedule (A.) to this Act annexed, with so many columns as may be necessary for the insertion of the particulars herein-after mentioned of the several cesses, rates, or taxes payable within such borough: Provided always, that in every borough divided into wards there shall be separate books for each ward, and that the names of the persons appearing to be entitled as aforesaid to be enrolled as burgesses for such borough shall be entered in the book for the ward wherein the premises by the inhabitancy, occupation, and rating whereof they may appear to be so

entitled shall be situate; and the town clerk of such borough shall, two days The collectors at the least before the said eighth day of September in every year, summon or taxes, and cause to be summoned the collectors of all rates for the relief of the poor, and treasurer or of grand jury and municipal cesses, and of all rates and taxes payable in borough, shall respect of premises within such borough, and also the treasurer of such borough, attend at the and, if there be no treasurer, the mayor of the said borough, to attend at his town clerk, office, at such time or times within the seven days next succeeding the said and insert the eighth day of September as he shall think necessary, with all necessary books, such taxes, papers, vouchers, and accounts; and they and each of them shall themselves or and the by their sufficient deputies attend accordingly at the office of the said town maining due, clerk, and shall, in such order as the said town clerk shall direct for the more in the proper convenient despatch of business, enter in the columns of the said book appropriated to the taxes, rates, or cesses within their collection respectively the amount of the last tax, rate, or cess paid by each person named in such book, or paid on account of the premises in respect whereof such person may be entitled to be enrolled as aforesaid, and the date of such payment, and the amount of the tax, rate, or cess (if any) then due and unpaid by each such person or in respect of such premises as aforesaid, and the date when the same became due and payable, and shall sign the said columns; and on the compleion of the entries so to be made in the said book the said town clerk shall the entries, ause a notice thereof to be fixed on or near the outer door of the town hall, the town r in some public and conspicuous place within the borough, and shall keep notice thereof, ne said book in his said office, to be perused by any person, without payment and permit f any fee, at all reasonable hours during the last ten days of September be perused Sunday excepted), and shall deliver a copy thereof, or any extract therefrom, and give any person requiring the same, on payment of a reasonable price, not extracts. sceeding one halfpenny for every name, with the entries attached thereto, hich may be included in such copy or extract so required; and that such py or extracts as aforesaid shall be delivered by the town clerk within four

ays from the date of the application.

III. And be it enacted, that any mayor, treasurer, or collector who shall Penalty on mayor, &c. eglect to perform the duties herein-before described shall forfeit a sum not neglecting sceeding twenty pounds, to be recovered by action in any one of the superior ourts at Dublin, or by civil bill in any court of record having jurisdiction ithin such borough respectively, by any person who shall sue for the same, e half to be paid to the person who shall sue for the same, and the other f, after deducting the expences of so suing, to be ascertained by such court,

be paid to her Majesty, her heirs and successors. V. And whereas it is expedient to alter the times and periods specified and ted by the said recited Act for doing several matters thereby required or orized to be done: Be it therefore enacted, that on or before the twentieth The days for of September, instead of on or before the fifth day of September, as in doing several aid Act mentioned, in every year, except the first, in which the said Act by 3 & 4 Vict. be or come into operation in any borough, the town clerk of such c. 108. altered. gh shall make out such lists as by the said Act directed of all persons ed to be enrolled in the burgess roll of that year within each ward of borough, and sign the same: Provided always, that, in preparing such Persons who he shall exclude therefrom the name of every person who shall not all rates, &c. by the entries made in the book herein-before mentioned by the several to be excluded

the book to

from burgess

collectors, treasurer, or mayor to have paid all rates, cesses, or taxes by the said Act required to be paid in order to qualify such person to be or to be enrolled as a burgess of such borough; and that he shall on the said twentieth day of September, instead of on the said fifth day of September, deliver a true copy of such lists, signed by himself, to the mayor of such borough; and that he shall himself keep such original list, to be perused by any person. without payment of any fee, at all reasonable hours between the twentieth and thirtieth days of September, instead of between the fifth and fifteenth days of September, as in the said Act mentioned; and that he shall cause a copy of all such printed lists as by the said Act he is required to cause to be fixed on or near the outer door of the town hall, or in some public and conspicuous place within the borough, on every day during the eight days next preceding the fifteenth day of September in every year, to be so fixed on every day during the eight days next preceding the first day of October in every year, instead of the eight days preceding the fifteenth day of September, as in the said Act mentioned; and that every person whose name shall be omitted in any such list as in the said Act mentioned, and who shall claim to have his name inserted on the burgess roll, shall and may give notice thereof to the town clerk (pursuant to the directions of the said Act), on or before the first day of October in every year, instead of on or before the fifteenth day of September, as in the said Act mentioned; and that every person authorized under the provisions of the said Act to object to any other person as not being entitled to have his name retained in the burgess roll for the same borough shall, on or before the first day of October, instead of on or before the fifteenth day of September, as in the said Act mentioned, in every year, give to the town clerk of such borough, and also to the person objected to, or leave at the premises in respect of which his name shall have been inserted in such list, notice thereof as in the said Act mentioned; and that the town clerk shall cause copies of all such lists of persons so claiming, and of all persons so objected to, as by the said Act he is required to cause to be fixed on or near the outer door of the town hall, or in some public and conspicuous place within the borough, during the eight days next preceding the first day of October in every year, to be so fixed during the eight days next preceding the twentieth day of October in every year, instead of the eight days next preceding the first day of October, as in the said Act mentioned; and that he shall keep a copy of the names of all persons so claiming, and a copy of the names of all persons so objected to, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days (Sunday excepted) next preceding the twentieth day of October in every year, instead of during the eight days next preceding the first day of October, as in the said Act mentioned; and that the court to be holden in each borough in which the said Act shall come into or be in operation by the barrister appointed as in the said Act mentioned, or by the mayor and two assessors of the borough, for the purpose of revising the lists in the said Act mentioned, shall be holden at some time between the twentieth day of October and the tenth day of November inclusive in every year, instead of between the first and fifteenth days of October, as in the said Act mentioned; and that such court may be adjourned from time to time, so that no such adjourned court shall be holden after the said tenth day of November, instead of the said fifteenth day of October,

the said Act provided; and that the book by the said recited Act be the burgess roll of each borough shall be completed on or before twentieth day of November in every year, instead of on or before the nty-second day of October in every year; and that every such book shall he burgess roll of the burgesses of such borough entitled to vote after the ing of this Act in the choice of the aldermen and councillors, assessors and tors, of such borough, at any election which may take place in such between the twenty-fifth day of November inclusive in the year rein such burgess roll shall have been made and the twenty-fifth day of ember in the succeeding year, instead of between the twenty-fifth day of ber inclusive in the year wherein such burgess roll shall have been made twenty-fifth day of October in the succeeding year, as by the said Act ded, or until a new burgess roll shall have been made; and that the for councillors and aldermen in the first year in which this Act shall into operation in any borough shall be held on the twenty-fifth day of instead of the twenty-fifth day of October, as in the said Act ioned; and that such aldermen and councillors as are by the provisions of aid Act to go out of office on the twenty-fifth day of October in each shall respectively after the passing of this Act go out of office on the ty-fifth day of November, instead of the twenty-fifth day of October, as he said Act provided; and that such aldermen and councillors as shall be led to supply the vacancies so created shall be elected on the said twentyday of November in each year, instead of the twenty-fifth day of October, y the said Act provided; and that the two auditors and the two assessors each borough, and the two assessors for each ward in every borough, shall, er the passing of this Act, be elected on the third day of December in each r, instead of the third day of November, as by the said Act provided; and t every such auditor and assessor shall continue in office until the tenth December in the year following his election, instead of until the tenth y of November in such year, as by the said Act provided.

V. AND be it enacted, that from and after the passing of this Act the Time of of each borough in which the said Act may now be or hereafter come election and entrance upon to operation shall, on the first day of December, instead of the first day of office of the november in each year, as in the said Act mentioned, elect out of the changed. dermen or councillors of such borough, in the manner in the said Act a fit person to be the mayor of such borough, who shall enter upon ne office of mayor of such borough on the first day of January next following, of on the day of such election, as by the said Act provided, and shall Duration of office. in his office for one whole year from the said first day of January, of from the day of his election, as by the said Act provided, and until successor shall have accepted the office of mayor, and shall have made and ed the declaration by law required in that behalf; and in case the Election in son so elected to such office shall decline to accept the same, or having case of refusal to serve, or accept the same shall after such election die or become incapable vacancy of erging the duties of such office, or cease to be an alderman or councillor office. borough, the council of the borough shall, within ten days thereafter, of the aldermen or councillors of the said borough another fit person the mayor thereof for the ensuing year, or the residue thereof, as the be; and at the like times, instead of the times in the said Act men-

Election, &c. of chairman of board of municipal commissioners.

When day for election, &c. falls on a Sunday, election, &c. shall be on Monday. Extending the power of disposition of lands allowed to be exercised with the approbation of the Treasury.

Councils of boroughs, or commissioners under 9 Geo. 4. c. 82. &c. may acquire lands, &c. with the consent of the Treasury.

Notice to be given of application to Treasury. tioned, the board of municipal commissioners of any borough shall elect out of the commissioners of such borough a fit person to be the chairman of such commissioners, who shall enter upon his office and continue therein at and for the like times as herein-before provided in respect of any mayor.

VI. PROVIDED, and be it enacted, that whenever any day appointed by any provision of this Act as a day of election or for doing any act shall happen to be Sunday, in every such case the election shall be holden and the act done on the following Monday.

VII. AND be it enacted, that the power of disposition allowed by the said Act over the lands, tenements, and hereditaments of any body corporate in the said Act mentioned, to be exercised with the approbation of the commissioners of her Majesty's Treasury, or any three of them, shall extend to the disposition of such lands, tenements, and hereditaments, with such approbation as aforesaid, whether by way of absolute sale or by way of exchange, mortgage, or charge, demise or lease, and to every other disposition of the same whatsoever, which shall be so approved of as aforesaid.

VIII. And be it enacted, that in every case in which the council of any borough in Ireland, or commissioners, elected under an Act passed in the ninth year of the reign of his Majesty King George Fourth, intituled "An Act to " make provision for the lighting, cleansing, and watching of cities, towns corporate, and market towns, in Ireland, in certain cases," of burghs in Ireland, shall deem it expedient to purchase or become possessed of for public purposes any lands, tenements, or hereditaments, it shall be lawful for such council or commissioners to represent the circumstances of the case to the commissioners of her Majesty's Treasury, and it shall be lawful for such council or commissioners so elected as aforesaid, with the approbation of the said commissioners of her Majesty's Treasury, or of any three of them, to purchase or become possessed of any lands, tenements, or hereditaments, in such manner and on such terms and conditions as shall have been approved of by the said commissioners as aforesaid: Provided always, that notice of the intention of the council or commissioners so elected as aforesaid to make such application as aforesaid shall be inserted once at least in the Dublin Gazette and in some local newspaper, and shall be fixed on the outer door of the town hall, or in some public or conspicuous place within the borough, one calendar month at least before such application; and a copy of the memorial intended to be sent to the said commissioners of her Majesty's Treasury shall be kept in the town clerk's office during such calendar month, and shall be freely open to the inspection of every burgess or person entitled to vote at the election of such commissioners or rate-payers of the borough at all reasonable hours during the

IX. And whereas by an Act of the Irish Parliament passed in the session of Parliament held in the twenty-ninth year of the reign of his Majesty King George the Third, intituled "An Act for the better supplying the inhabitants " of certain cities and towns with water," it was enacted that the chief magistrate, aldermen, or burgesses, sheriffs, bailiffs, and common council, recorder, and representatives of every city or town in this kingdom which gives title to the see of a bishop or archbishop, except the cities of Dublin, Cork, and Limerick, together with the dean and chapter of such bishoprick, archbishoprick, and also the chief magistrate, aldermen, or burgesses, and

29 Geo. 8. (I.) c. 42. s. 1.

representatives of every town corporate, should be commissioners for the making of any watercourse, cut, drain, ditch, trench, dam, or passage for the purpose of conveying water to such city or town, with certain powers as in said Act particularly mentioned : And whereas by an Act of the Parliament of Ireland, passed in the thirty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to explain and amend an Act passed in 84 Geo. 3. (I.) " the twenty-ninth year of the reign of his present Majesty, intituled, 'An "'Act for the better supplying the inhabitants of certain cities and towns "'with water," it was enacted, that it should be lawful for the commissioners in the said Act named, or any three of them, the dean, sub-dean, or chief magistrate of any town corporate being one, to enter into agreements with the occupier of any house in any city or town corporate (to which pipes should be brought by virtue of the said Act) for the laying of a pipe to supply the said house with water: And whereas it was by the said Act further enacted, that Sect. 2. if any occupier of any such house should neglect or refuse to pay the annual rents so agreed upon for twenty-one days after personal demand, or in writing left at the usual place of abode or occupation of the person so directed to pay, it should be lawful for the said commissioners, or their officer or receiver, by warrant under the hand and seal of the chief magistrate, which warrant the chief magistrate was thereby authorized and required to grant, to enter into the house of the person so chargeable, and to distrain his goods and chattels, with certain powers of sale of the said distress as therein mentioned: And whereas & & + Vict. by the said recited Act for the regulation of municipal corporations in Ireland c. 108. s. 117. it was amongst other things enacted, that all powers and trusts, not otherwise therein provided for, which by any Act of Parliament or otherwise are vested in or exercised by any body corporate named in the schedule (B.) to that Act annexed which shall be dissolved by virtue of that Act, or any member or members thereof, in his or their corporate capacity, or any limited number, class, or description thereof, or any person or persons elected from among or out of the members of such body corporate, or any of them, or any person or persons selected by such body corporate, or any member or members thereof, shall, upon the day on which such body corporate respectively shall be dissolved, and thenceforth until the grant of a charter of incorporation as therein-before directed, and the election of a council thereunder, or until Parliament shall otherwise provide, be exercised in manner therein-after mentioned; (that is to say,) such of the said powers as relate to the appointment of justices of the peace or magistrates, or to the appointment of other officers for the administration of justice or in anywise relating thereto, or to the appointment of constables or other persons for purposes relating to police, shall be exercised by he lord-lieutenant as if he had been named in such Act respectively, instead such body corporate, or member or members, person or persons; and all her of the said powers not otherwise therein provided for shall be exercised one, or together with such other persons (if any) as would have been entitled join in exercising the same if that Act had not been passed by the said nmissioners: And whereas it is expedient to amend the said enactments: it therefore enacted, that the power and authority by the said Act of the Powers given liament of Ireland passed in the thirty-fourth year of the reign of his late (I.) c. 9. to esty King George the Third given to the chief magistrate of any body corate dissolved by virtue of the said Act passed in the session of Parliament held corporations

dissolved under

3 & 4 Vict. c. 108. shall until grant of charter of incorporation and election of town council. or until otherwise provided for, be exercised by chairman of commissioners under 9 Geo. 4. c. 82. or of municipal commissioners upder 3 & 4 Vict. c. 108., or by justices appointed by lord lieutenant. 3 & 4 Vict. c. 108. 9 Geo. 4. c. 82. s. 4.

in the third and fourth years of the reign of our sovereign lady Queen Victoria shall, until the grant of a charter of incorporation as in the said Act directed, and the election of a town council thereunder, or until Parliament shall otherwise provide, be exercised by the chairman of the commissioners elected under the said Act of the ninth year of the reign of King George the Fourth, or by the chairman of the municipal commissioners acting or to be elected in such borough in pursuance of the said recited Act for the better regulation of municipal corporations in Ireland, as the case may be, or in default of there being either of such commissioners elected in such borough then by such justice or justices of the peace, having jurisdiction within such borough or place, as for the time being shall be appointed by the said lord-lieutenant by warrant under his hand.

X. And whereas divers provisions were made by the said recited Act in reference to and dependent upon the election of commissioners in certain boroughs under the provisions of an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to make provision for the " lighting, cleansing, and watching of cities, towns corporate, and market "towns, in Ireland, in certain cases": And whereas it was by the said lastrecited Act provided, that at any meeting convened as by that Act is directed for the purpose of carrying the same into execution every person who shall reside within the city, town corporate, borough, market town, or other town where such meeting shall be held, or, when the limits of any town shall not be defined, who shall reside within a certain distance in the said Act mentioned, and who shall have been assessed or charged, by the last rate made at vestry in the parish wherein such person shall dwell, for or in respect of a dwelling house or other tenement of the computed annual value, according to the said rate, of five pounds or more, shall be admitted and entitled to vote, and no other person whatsoever; and it was also provided by the said lastrecited Act, that every person resident as aforesaid, who shall have been assessed or charged by a like vestry rate for or in respect of a dwelling house of the computed annual value, according to such rate, of twenty pounds or more, shall be eligible to be elected a commissioner for the purposes of the said Act at the first election of commissioners under the said Act: .

Sect. 11.

So much of the 9 Geo. 4. c. 82. as requires voters or commissioners to be qualified by being assessed to vestry rate repealed.

Qualification of voter and commissioner by assessment to and payment of poor rate.

XII. And be it enacted, that those parts of the said recited Act of the ninth year of the reign of King George the Fourth which make it necessary, to entitle any person to vote at any meeting convened under the provisions of the said Act, or to render any person eligible to be elected a commissioner at the first election of commissioners under the said Act, that such person shall be or have been charged or assessed, by the last rate made at vestry in the parish wherein he may dwell, for or in respect of a dwelling house or other tenement in any amount whatsoever, shall be and the same is hereby repealed, without prejudice nevertheless to any thing done or election made previous to the passing of this Act. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

XIII. AND be it enacted, that at any meeting convened after the passing of this Act for the purpose of carrying the said last-recited Act into execution, or any adjournment thereof, no person shall be admitted or entitled to vote unless he shall have been rated under the Act for the more effectual relief of the destitute poor in Ireland, or any Act amending the same, by the last rate made in the union wherein he shall dwell, in respect of lands, tenements, or hereditaments of the net annual value of five pounds or upwards, nor unless he shall have paid all such poor rate as shall have become legally due

and been demanded from him; and that no person shall be eligible to be elected a commissioner at the first election of commissioners under the said Act unless he shall have been so rated to the relief of the poor, by the last rate made in the union wherein he shall dwell, in respect of lands, tenements, or hereditaments of the net annual value of twenty pounds or upwards, nor unless he shall have paid all such poor rate as shall have become legally due and been demanded from him.

XIV. AND be it enacted, that if any controversy shall arise at any such Questions as to meeting or election as to the qualification, or right of voting, or eligibility of any person, such controversy shall be determined by reference to the rate by chairman book or rate books of the guardians of the poor law of the union or unions in by reference which such city, town corporate, borough, market town, or other town is to rate-book. situate; and for this purpose the clerk to the guardians of each such union Clerk to shall attend such meeting and election, and shall then and there produce the guardians to attend with rate or valuation book of such union, in order that reference may be had rate book to thereto, if necessary, as aforesaid, and shall point out to the person or persons assist presiding at such meeting the entry in the said book of rating of the person whose vote or eligibility shall so be in controversy as aforesaid; and the person or persons so presiding at such meeting as aforesaid shall give judgment accordingly; and if any clerk of any union shall refuse or neglect to attend any such meeting or election so convened as aforesaid, he having been required Clerk refusing to do so by a notice in writing signed by the person or persons authorized to or neglecting to forfeit for preside at such meeting or election, or by any one of them, such notice being each offence either served upon him personally, or left for him at the workhouse of such costs. union, he shall, on being convicted thereof before any two or more justices of the peace, forfeit and pay any sum not exceeding twenty pounds, together with the costs of suing for and recovering or levying the same, to be recovered and levied in like manner as all other forfeitures, fines, or penalties are made recoverable and directed to be levied by the said Act.

XV. And be it enacted, that in framing the registry, which the commissioners acting in the execution of the said Act are thereby required to keep, which the commissioners and from time to time to revise and amend, of householders occupying houses are to keep of of the annual value of five pounds or upwards, and of householders occupying householders houses of the annual value of twenty pounds or upwards, such commissioners shall be shall have regard to the valuation made for the purposes of the poor rate under reference to the said recited Act for the more effectual relief of the destitute poor in the valuation Ireland, or any Act amending the same; and that the annual value of five rate. counds and upwards and the annual value of twenty pounds or upwards with eference to which such registry is to be formed shall be deemed and taken to the net annual value as ascertained by the valuation made for the purposes the said last-mentioned Act or Acts.

XVI. AND be it enacted, that those parts of the said recited Act which direct or So much of uire the commissioners acting in execution thereof to make a survey and valuation 9 Geo. 4. c. 82. the purposes of the said Act, and as direct the rates and assessments which such as directs the missioners are authorized to levy to be applotted in certain proportions according to make a uch valuation, shall be and the same are hereby repealed, without prejudice never-valuation f less to any applotment heretofore made, or to the recovery of any rate or assessment the purposes able thereunder. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

VII. And be it enacted, that from and after the passing of this Act every The poor to be at any time made by any commissioners now or hereafter acting in rate valuation

qualifications shall be decided

5l. and of 20l. for the poor

commissioners valuation for repealed.

shall be used instead.

Proviso.

the execution of the said Act of the ninth year of King George the Fourth shall be applotted, raised, and levied on the owners, occupiers, and tenants of the houses, shops, warehouses, cellars, mills, yards, gardens, and tenements liable to be rated and assessed under the provisions of the said Act according to the net annual value thereof respectively as the same now are or shall from time to time be hereafter valued and rated under the said recited Act for the more effectual relief of the destitute poor in Ireland, or any Act or Acts amending the same: Provided always, that nothing herein contained shall extend to or affect the provisions made by the said Act as to the relative proportions of the said rates to be imposed upon premises of different value, or any other provision of the said Act in respect of such rates, save only as herein-before provided in respect, of the substitution of the valuation under the said Act for the more effectual relief of the destitute poor for a valuation to be made by the commissioners for the special purposes of the said Act of the ninth year of King George the Fourth.

XVIII. And whereas certain hereditaments by the herein-before recited Act of the ninth year of King George the Fourth made chargeable for the purposes of the said Act may not be rateable for the relief of the poor, and upon that ground have not been or may not have been included in the valuation made for the purpose of poor rates; and it is expedient that all such property, although not so rateable, should be valued in like manner and upon the same scale as that which is so rateable or rated: And whereas in the valuation made for the purpose of poor rates dwelling houses may be in certain cases valued together with property not comprehended in that term, and a separate valuation of such dwelling houses is necessary for certain purposes of the said Act: Be it therefore enacted, that in all cases of property which is or shall be liable to the payment of any rate or assessment under the provisions of the herein-before recited Act, and which is or shall be by law exempted from the rate, or not rateable to or which shall not be included in the rate for the relief of the poor in the union wherein the same may be situate, and in the case of dwelling houses valued together with other property, the poor law commissioners shall cause to be made and declared separate valuations of all or any such property and dwelling houses situate in any ward or townland, or other denomination proper for that purpose within the union, in like manner as by law they now are or hereafter may be authorized, required, or directed with respect to hereditaments liable to be rated as aforesaid; and every such separate valuation of property not liable to be rated to the relief of the poor shall contain in a separate column a statement of the ground of such exemption; and all such separate valuations, when made, shall be subject in all respects to the like right of appeal, regulations, additions, or alterations, and shall be of like force and effect, under the provision of this Act, as any valuation made for the purposes of a rate for the relief of the poor, as nearly as the circumstances of the case will admit; and copies of such separate valuations shall be furnished by the clerk of the guardians of the poor of such union in the same manner and within the same period as is herein-after directed with respect to copies of the rates.

Supplemental valuations of property exempt from poor rate, but chargeable under 9 Geo. 4. c. 82., and of dwelling-houses valued with other property for the poor rate.

Copies of valuations for poor rate, and of supplemental valuations, to XIX. And be it enacted, that within twenty-one days after the first election of commissioners under the provisions of the said Act of the minth year of the reign of his Majesty King George the Fourth in any city, borough,

wherein such Act may not now be in operation, and on or before the be delivered annually by clerk of wherein such Act may not now be in operation, and on of botton annually by of August in every year in each city, borough, or town where the clerk of the quardians of the guardians to may now or then be in operation, the clerk of the guardians of the guardians to may now or then be in operation, the city of the said commissioners, shall c. 82. WD, or within the limits of the jurisdiction of the said commissioners, shall c. 82. ke out a true and perfect copy of the then last made rate for the relief of poor therein, and of such supplemental or separate valuations as are rein-before directed to be made, or of so much of them or either of them as all relate to any property liable to be rated under the provisions of the said cited Act, and as shall be required by the said commissioners, and shall liver the same, attested and certified by lim, to the said commissioners; d such clerk of the guardians of each union as aforesaid, from time to time, d as often as any additions to or alterations in the said rate for the relief of e poor shall have been made, whether by appeal or otherwise, shall, within n days after such rate and supplemental valuation shall have been so added or altered, make true and perfect copies of such additions or alterations, and eliver the same, attested and certified by him, to the said commissioners.

XX. AND be it enacted, that the entry of such rate or supplemental Entry of aluation, or in the absence of the original such attested and certified copy of certified copy such rate or supplemental valuation, addition, or alteration as aforesaid, shall thereof, in all cases be and be deemed and taken to be conclusive evidence of all the

matters contained therein.

XXII. And whereas under and by virtue of said recited Act of the third and fourth years of the reign of her present Majesty the council of any borough in Ireland, in the cases in said Act mentioned, is anthorized and required from time to time to order a borough rate to be made within the borough, and for that purpose the council of such borough shall have within their borough all the powers and authorities which any commissioners in any borough in Ireland have within the limits of their commission by virtue of the said recited Act of the ninth year of the reign of King George the Fourth, and shall observe and preserve the provisions thereof as if the same were therein recited: And whereas the mode prescribed for the recovery of rates under the said recited Act is distress and sale of the goods distrained for nonpayment of same, and it is expedient to extend the mode of recovery of rates, as well as those to be made under the said recited Act of the ninth year of the reign of his Majesty King George the Fourth as those to be made in pursuance of the said recited Act of the third and fourth years of the reign of her Majesty Queen Victoria: Be it therefore enacted, that it shall and may be lawful to and for the council Recovery of any borough, or the said commissioners acting under the said recited Act of of rates under the said recited Act of 3 & 4 Vict. the ninth year of his Majesty King George the Fourth, where any rate shall c. 108. or hereafter be made pursuant to said recited Acts, or either of them, shall be in pot exceeding arrear and unpaid by the owners, occupiers, or tenants of any hereditament 201., by civil on which same shall be chargeable or payable out of, and where such rate so n arrear shall not exceed the sum of twenty pounds, to proceed for recovery f same against the party liable by civil bill before the assistant barrister or ecorder having jurisdiction for trials by civil bill in the county, county of the own, city, or borough where the hereditament or tenement on which said rate o in arrear is chargeable shall be situate, and such assistant barrister or

recorder, as the case may be, shall have power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such judge: Provided always, that in case of such civil bill proceedings by any council of any borough same shall be brought in the name, style, and title of the corporate body of such borough as plaintiffs, and in case of such proceedings by any commissioners acting under the said recited Act same shall be brought in the name of the chairman of said commissioners acting as such chairman at the time such civil bill proceeding shall be commenced, and styling him as such chairman.

XXIV. And whereas there is no mayor or municipal corporation in the county of the town of Galway, and suitors in the borough court of the said town are put to serious loss and inconvenience for want of commissioners by whom affidavits may be received and bail taken in suits instituted in the said court, so much so as to render the said court nearly useless to the inhabitants of the said borough: Be it therefore enacted, that it shall and may be lawful to and for the recorder of the said borough to appoint two fit and proper persons to act as commissioners for receiving affidavits and special bail in and for the said borough court, in like manner as commissioners for similar purposes are appointed by the judges of the superior courts of record in Dublin.

XXV. And be it enacted, that from and after the passing of this Act the assistant barrister for the time being of the county of Louth shall have criminal jurisdiction in and for the county of the town of Drogheda as fully as he has in and for the said county of Louth, and shall and may exercise such jurisdiction together with the justices assigned to keep the peace within the said county of the town of Drogheda; and that a general sessions of the peace shall be from time to time holden in and for the said county of the town of Drogheda, either immediately before or after the sessions of the peace for the county of Louth from time to time holden under the laws now in force in the said town of Drogheda by the said assistant barrister, for the purpose of hearing and determining causes in a summary way by civil bill; and that such court of general sessions of the peace so to be holden in and for the said county of the town of Drogheda shall have all and every the jurisdictions, powers, and authorities which may by law or statute belong to any court of general sessions of the peace holden in any county of a city or county of a town or borough in Ireland.

XXVI. AND whereas, by virtue of the provisions of the said recited Act for the better regulation of municipal corporations in Ireland, the body corporate named in the schedule (B.) to the said Act annexed in conjunction with the borough of Carrickfergus was dissolved on the twenty-fifth day of October one thousand eight hundred and forty-one, and the said Act then came into operation within the said borough: And whereas it was by the said recited Act provided, that on the said twenty-fifth day of October one thousand eight hundred and forty-one, in any borough named in the schedule (G.) to the said Act annexed in which there should not then have been elected commissioners under the therein recited Act of the ninth year of the reign of King George

Appointment
of commissioners to
receive affidavits and
take bail in
Galway
borough
court.
Jurisdiction
of assistant
barrister for
Louth' extended to
Drogheda.

Sessions to be held for Drogheda. the Fourth, there should be constituted, according to the provisions thereinafter contained, a board of commissioners for the disposition of the property

of the body corporate named as aforesaid in conjunction with such borough, to be called the municipal commissioners of such borough, until the grant of a charter of incorporation, or the election of commissioners under the Act of the ninth year of King George the Fourth therein mentioned: And whereas the said borough of Carrickfergus is one of the boroughs named in the said schedule (G.), and no commissioners were on the said twenty-fifth day of October one thousand eight hundred and forty-one nor are any now elected in or for such borough under the said Act of the ninth year of the reign of King George the Fourth: And whereas under the provisions of the said Act for the regulation of municipal corporations in Ireland it was among other things required, in order to entitle any person to vote at the election of municipal commissioners in any borough, that he should have been rated to the relief of the poor, in respect of premises within such borough, for the space of twelve calendar months at the least next preceding the last day of August in the said year one thousand eight hundred and forty-one: And whereas no rate for the relief of the poor was made in the union whereof the said borough of Carrickfergus is an electoral division until the seventh day of December one thousand right hundred and forty-two, and by reason thereof the provisions of the said act for the constitution of municipal commissioners within the said borough ave been rendered ineffectual: Be it therefore enacted, that in this present Municipal ear a board of municipal commissioners shall be constituted in the said for Carrickorough of Carrickfergus, in like manner as such board might or ought to have fergus. een constituted therein in the said year one thousand eight hundred and fortyne, if a rate for the relief of the poor had been made in the union whereof the aid borough is an electoral division twelve calendar months previous to the said ast day of August in the said year one thousand eight hundred and forty-one; and that from and immediately after the appointment f such municipal commissioners under this Act all the lands, tenements, states, and property, real or personal, which were vested in the said late lissolved body corporate named in the schedule (B.) to such recited Act nnexed in conjunction with the borough of Carrickfergus, and all rents, ssues, and profits that have accrued thereout since the dissolution of the said corporate body, shall become vested in the said municipal commissioners and heir successors; and that the said municipal commissioners and their succesors shall have such and the same estate and interest therein, and such and e same title thereto, as against all persons and bodies corporate and politic, duding the Queen's most excellent Majesty, her heirs and successors, as was ted in the said late dissolved body corporate at or immediately before the olution thereof, subject nevertheless to the same leases, charges, and imbrances, or such of them or such part thereof as are still subsisting, as same were subject to in the hands of the said late dissolved body corporate: rided always, that upon the grant of any such charter of incorporation as ne said Act mentioned, or upon the election of commissioners under the Act of the ninth year of King George the Fourth, such board of commisers shall cease, and all the said estate and any accumulation thereof shall with, without any conveyance thereof, vest in the body so incorporated, VOL IX.

or in the commissioners elected under the said Act of the ninth year of King George the Fourth where no such charter shall then have been granted, as the case may be; and in case such estate and accumulation shall so have vested in such commissioners under the said Act of the ninth year of King George the Fourth the same shall be applied by such commissioners in aid of the rates to be levied by them under the said Act, and the surplus thereof, if any, shall be applied by them for the public benefit of the inhabitants and improvement of the borough until such charter may at any time afterwards be granted; and upon the grant of any such charter, and the election of a council under its provisions, the powers of the said commissioners as to the said estate shall cease, and all the said estate and any accumulation thereof shall forthwith, without any conveyance thereof, vest in the body so incorporated.

8 & 4 Viet. c. 108. s. 80.

XXVII. AND whereas by the said first-recited Act it is enacted, that after the same should come into operation in every borough named in schedule (A.) to such Act annexed, and also in any borough named in schedule (B.) thereto annexed, or other town to which a charter of incorporation under the said Act should be granted, every man of full age who on the last day of August in any year should be an inhabitant householder, and should for six calendar months previous thereto have been resident as such within such borough, or within seven statute miles of such borough, and who should occupy within such borough any house, warehouse, counting house, or shop, which, either separately or jointly with any land within such borough occupied therewith by him as tenant or occupied by him therewith as owner, should be of the clear yearly value of not less than ten pounds, determined in manner in the said Act mentioned, should, if duly enrolled according to the provisions in such Act contained, be a burgess of such borough; provided that no such occupier should be admitted to be enrolled as a burgess unless he should have been rated to the relief of the poor under the Act made for the relief of the destitute poor in Ireland, and should have occupied such premises within the said borough, or other premises of the like nature, and rated as aforesaid, for the space of twelve calendar months at the least next preceding such last day of August: And whereas doubts have arisen how far any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as in the said recited Act are mentioned, or any inaccurate description of the premises so occupied, has the effect of preventing any such person from being enrolled as a burgess and entitled to vote in respect of such premises in any year: Be it therefore declared and enacted, that where any person shall have occupied such premises as in the said recited Act are mentioned for twelve calendar months next previous to the last day of August in any year, and such person, being the person liable to be rated for such premises, shall have been bona fide called upon in respect of such premises to pay and shall have bonâ fide paid, on or before the last day of August in such year, all rates for the relief of the poor made in respect of such premises which he would be required to pay in order to be enrolled as a burgess for such borough if he had been named in such rate as the occupier of such premises, such person shall be considered as having been rated to the relief of the poor and paid all such rates in respect of such premises within the meaning of the said recited Act, and be entitled, if otherwise qualified, to be enrolled as a

What deemed sufficient occupation and payment of rates to entitle a person to be enrolled on the burgess roll.

urgess of such borough in respect of such premises in any year, any misnomer insufficient description in any rate of the person so occupying or of the

remises occupied not withstanding.

XXVIII. And whereas by the said first-recited Act it was enacted, that it 3 & 4 Vict. hould be lawful for any person whose claim shall have been rejected or name spunged at the revision of the burgess roll of any of the said boroughs to pply before the end of the term then next following to the Court of Queen's ench in Ireland for a mandamus to the mayor for the time being of that orough to insert his name upon the burgess roll for such ward as should be amed in the application, and thereupon for the court to inquire into the title f the applicant so enrolled, and if the court should award such mandamus he mayor should be bound to insert the name at the end of the burgess roll, rith the addition of the ward for which such ward was so ordered to be nserted as therein mentioned, and that thereupon the person whose name hould be so added to the burgess roll should be deemed a burgess, and that pon every such application the court should have power to make such order ith respect to the costs as to the court shall seem fit; and by the same Act was enacted, that the right of every person who should have been admitted ed enrolled upon the burgess roll might be questioned by any burgess by peal, in like manner and subject to the like provisions as to costs and ceration of the roll as were therein-before contained with respect to the peal against the admission of any person upon the freeman's roll: Be it Appeals acted, that if the right of any number of persons whose claims have been tions of claims ected or names expunged at the revision of any burgess roll shall have to be enrolled as burgesses, an determined on the same point or points of law, it shall be lawful for or against th persons to consolidate their appeals to be made under the said recited admissions of t, and to join in an application to the Court of Queen's Bench to be made if involving by the said Act provided; and if the right of any number of persons who the same all have been admitted and enrolled upon the burgess roll shall be questioned may be conany burgess upon the same point or points of law, it shall be lawful for solidated. ch burgess to consolidate the appeal against the right of such persons, and include the names of all such persons in the same application to the said urt; and the said court shall have full power and authority to hear and stermine on every such application or appeal, and make such order thereon such court would have power to do if each of such persons whose claims all have been so rejected or names expunged had made a separate applican, and as if a separate appeal and application had been made in respect to h of such persons whose right to have been admitted and enrolled upon burgess roll shall be questioned; and the order of the said court shall, the respective persons making such application and as to the respective ons whose right shall be so questioned, be carried into effect and execution te manner as if a separate appeal and application had been made by or spect of each of such persons.

IX. And whereas it was by the said Act enacted, that every borough s & 4 Vict. schedule (A.) to the said Act annexed should be divided into the c. 108. s. 20. er of wards mentioned in such schedule in conjunction with the name of borough, and that the boundaries of the several boroughs named in the chedule (A.) and of the wards into which the said boroughs named in id schedule (A.) were to be divided should, for the purposes of the said

Act, be taken to be according to the description of such boundaries set forth in schedule (C.) to the said Act annexed; and whereas, according to the description in the said schedule (C.) of the boundary of the west ward of the borough of Waterford, the whole space comprehended within the parliamentary boundary of such borough on the north side of the river Suir is included within the said west ward, although a part of such space is not comprehended within the general boundary of the said borough as described in the said schedule (C.), and it is expedient to correct such mistake: Be it therefore enacted, that the said west ward shall be taken to include only that part of the space on the north side of the river Suir which is comprehended in the municipal boundary of the said borough of Waterford, as if the words "within the municipal boundary" had been inserted in the description of the boundary of the said west ward contained in the said schedule (C.) instead of the words "parliamentary boundary."

Boundary of west ward of borough of Waterford.

Recited Acts to continue in force, except as hereby altered.

Provisions of 9 Geo. 4. c. 82. as to recovery of rates to apply to rates under this Act.

3 & 4 Vict.
c. 108. and
thia Act to
be construed
together.
Interpretation
clause in that
Act to apply
to this.

XXX. AND be it enacted, that the said recited Acts of the third and fourth years of the reign of her present Majesty and of the ninth year of the reign of King George the Fourth, and all clauses, matters, and things respectively therein contained, (save and except such parts thereof as are by this Act expressly varied, altered, or repealed,) shall be and the same is and are severally declared to be and continue in full force and effect, to all intents and purposes, and shall be as good, valid, and effectual as if the same and every of them were re-enacted in the body of this Act; and all and every the provisions of the said recited Act of the ninth year of the reign of his Majesty King George the Fourth, for the levying and recovery of the rates therein mentioned, shall apply and extend to the levy and recovery of the rates assessed and applotted under the provisions of this Act.

XXXI. AND be it enacted, that the said recited Act for the regulation of municipal corporations in Ireland and this Act shall be construed together as one Act, and that the provision made by the said Act for the regulation of municipal corporations in Ireland for the interpretation of certain words and expressions therein shall apply and extend to the like words and expressions in this Act.

) in the

SCHEDULE to which this Act refers. LIST of Persons appearing entitled to be enrolled as Burgesses of the Borough of

(in the Ward of Burgess Roll next to be made, in right of Inhabitancy and Occupation and Rating.

Dated this 8th September 1843.

John Thompson, Town Clerk.

other as as	ates or Cession Case may b		
RATE.	Date when due.	8. d 5 0 1 July 0 0 2 May	ctor.
	Amount (if any) due.	1 1 1	Thos. Brown, Collector.
PAVING RATE	Date of last Payment.	£ 8, d. 1 2 6 10 July 1 5 0 1 Jan. 0 15 0 10 July 1 10 0 2 Feb.	Thos.
PAVING BATH.	Amount of last Payment.	0 22 22 23	
	Date when due.	5 0 1 May 1 10 0 10 June 1 2 8, 1 1 1 1 1 1 2 1 2 1 2 1 1 2 1 1 1 1 1	lector.
Poor Rate.	Amount (if any) due.	£ 8. d. 1 10 0 15 0 0 2	Henry Johnston, Collector.
. P 00	Date of last Payment.		Henry
	Amount of last Payment.	£ s. d. 1 5 0 2 10 0 3 5 0 3 10 0	
Description of Property.		House Shop Warehouse Shop	
Situation	of Qualifying Property.	# #	
Rasidence.		e e	
NAMB.		1 Adams, John 3, John Stree 2 Albin, William 9, Park Stree 3 Burn, Edward Booterstown 4 Casey, Patrick Chapelizod	
.190	Jam N	H 62 82 44	

CHAPTER XCIV.

An Act to remove Doubts as to the Exercise of Power and Jurisdiction by Her Majesty within divers Countries and Places out of Her Majesty's Dominions, and to render the same more effectual. [24th August 1843.]

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, her Majesty hath power and jurisdiction within divers countries and places out of her Majesty's dominions: And whereas doubts have arisen how far the exercise of such power and jurisdiction is controlled by and dependent on the laws and customs of this realm, and it is expedient that such doubts should be removed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it is and shall be lawful for her Majesty to hold, exercise, and enjoy any power or jurisdiction which her Majesty now hath or may at any time hereafter have within any country or place out of her Majesty's dominions, in the same and as ample a manner as if her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

II. And be it enacted, that every act, matter, and thing which may at any time be done, in pursuance of any such power or jurisdiction of her Majesty, in any country or place out of her Majesty's dominions, shall, in all courts ecclesiastical and temporal and elsewhere within her Majesty's dominions, be and be deemed and adjudged to be, in all cases and to all intents and purposes whatsoever, as valid and effectual as though the same had been done according to the local law then in force within such country or place.

III. And be it enacted, that if in any suit or other proceedings, whether civil or criminal, in any court ecclesiastical or temporal within her Majesty's dominions, any issue or question of law or of fact shall arise for the due determination whereof it shall, in the opinion of the judge or judges of such court, be necessary to produce evidence of the existence of any such power or jurisdiction as aforesaid, or of the extent thereof, it shall be lawful for the judge or judges of any such court, and he or they are hereby authorized, to transmit, under his or their hand and seal or hands and seals, to one of her Majesty's principal secretaries of state, questions by him or them properly framed respecting such of the matters aforesaid as it may be necessary to ascertain in order to the due determination of any such issue or question as aforesaid; and such secretary of state is hereby empowered and required, within a reasonable time in that behalf, to cause proper and sufficient answers to be returned to all such questions, and to be directed to the said judge or judges, or their successors; and such answers shall, upon production thereof, be final and conclusive evidence, in such suit or other proceedings, of the several matters therein contained and required to be ascertained thereby.

IV. And whereas it may in certain cases be expedient that crimes and offences committed within such countries or places as aforesaid should be inquired of, tried, determined, and punished within her Majesty's dominions: Be it enacted, that it shall and may be lawful for any person having authority derived from her Majesty in that behalf, by warrant under his hand and seal to cause any person charged with the commission of any crime or offence the cognizance whereof may at any time appertain to any judge, magistrate, or

The power acquired by her Majesty in countries out of her dominions shall be held on the same terms as if acquired by conquest or cession of territory. Acts done in pursuance of such power to be of the same effect as if done under local laws.

Courts authorized to procure evidence of the existence of such power by application to secretary of state.

Power to send persons charged with crimes in any such counties for trial to a British colony. other officer of her Majesty within any such country or place as aforesaid to be sent for trial to any British colony which her Majesty may by any order or orders in council from time to time appoint in that behalf; and upon the arrival of such person within such colony it shall and may be lawful for the supreme court exercising criminal jurisdiction within the same to cause such person to be kept in safe and proper custody, and, so soon as conveniently may be, to inquire of, try, and determine such crime or offence, and upon conviction of the person so charged as aforesaid to correct and punish him according to the laws in force in that behalf within such colony, in the same manner as if the said crime or offence had been committed within the jurisdiction of such supreme court: Provided always, that before any such person shall be sent for Before any trial to any such colony as aforesaid it shall be lawful for him to tender for shall be sent examination to the judge, magistrate, or other officer of her Majesty, to whom to any colony the cognizance of the crime or offence with which he is charged may appertain within the country or place where the same may be alleged to have been committed, any competent witness or witnesses, the evidence of whom he may deem material for his defence, and whom he may allege himself to be unable to produce at his trial in the said colony; and the said judge, magistrate, or other officer shall thereupon proceed in the examination and cross-examination f such witness or witnesses in the same manner as though the same had been endered at a trial before such judge, magistrate, or other officer, and shall ause the evidence so taken to be reduced into writing, and shall transmit a to the court ppy of such evidence to the supreme court before which the trial of such erson is to take place, together with a certificate under his hand and seal of thereof shall ne correctness of such copy; and thereupon it shall be lawful for the said apreme court, and it is hereby required, to allow so much of the evidence so ken as aforesaid as would have been admissible according to the law and ractice of the said supreme court, had the said witness or witnesses been prouced and examined at the trial before the said court, to be read and received court. s legal evidence at such trial: Provided also, that if it shall be made to In case the ppear at such trial that the laws by which the person charged with any riminal act would have been tried, had his trial taken place before a judge, the act was nagistrate, or other officer of her Majesty in the country or place in which uch act may be alleged to have been committed, vary from or are inconsistent those of the with the laws in force within such colony, in respect either of the criminality f the act charged, or of the nature or degree of the alleged crime or offence, give effect of the punishment to be awarded for the same, such supreme court is hereby powered and required to admit and give effect to the laws by which such son would have been so tried as aforesaid, so far as but not further or othere than the same relate to the criminality of such act, or to the nature or ree of such crime or offence, or to the punishment thereof: Provided also, Nothing nothing herein contained shall be construed to alter or repeal any law, ite, or usage by virtue of which any crime or offence committed out of law respecting Majesty's dominions might, at the time of the passing of this Act, be her Majesty's ired of, tried, determined, and punished within her Majesty's dominions, y part thereof, but the same shall remain in full force and effect, any mitted out of herein contained to the contrary notwithstanding.

AND whereas it may likewise in certain cases be expedient that the nces passed within such countries and places as aforesaid at the trial of

may tender to the judge sending him any material evidence that he would be unable to produce on trial, which shall be taken transmitted of the colony. and so much be admitted as would have been admissible if the witnesses had been produced

laws of the

trial within

Power to send persons convicted before any judge in any such country to a British colony for execution or imprisonment. crimes and offences within the same should be carried into effect within her Majesty's dominions: Be it enacted, that if any offender shall have been sentenced to suffer death or imprisonment for or in respect of any crime or offence of which such offender shall have been lawfully convicted before any judge, magistrate, or other officer of her Majesty within any such country or place as aforesaid it shall be lawful for any person having authority derived from her Majesty in that behalf, by warrant under his hand and seal, to cause such offender to be sent to any British colony which her Majesty may by any order or orders in council from time to time appoint in that behalf, in order that the sentence so passed upon such offender may be carried into effect within the same; and the magistrates, gaolers, and other officers to whom it may appertain to give effect to any sentence passed by the supreme court exercising criminal jurisdiction within such colony are hereby empowered and required to do all acts and things necessary to carry into effect the sentence so passed upon such offender, in the same manner as though the same had been passed by such supreme court.

Power to transport convicts, and to bring them to England for that purpose.

VI. And be it enacted, that if any offender shall have been ordered or sentenced to be transported beyond the seas by any judge, magistrate, or other officer of her Majesty within any such country or place as aforesaid, or, having been adjudged to suffer death, shall have received her Majesty's most gracious pardon upon condition of transportation beyond the seas, it shall be lawful for any person having authority derived from her Majesty in that behalf to cause such offender to be sent to any place beyond seas to which convicts may at any time be lawfully transported from any part of her Majesty's dominions, and, if there shall be no convenient means of transporting such offender without bringing him to England, to cause such offender to be brought to England in order to be transported, and to be imprisoned in any place of confinement provided under the authority of any law or statute relating to the transportation of offenders convicted in England, until such offender shall be transported or shall become entitled to his liberty; and as soon as any such offender shall have arrived at the place to which he may be transported, or, if brought to England, shall have been there imprisoned as aforesaid, all the provisions, rules, regulations, authorities, powers, penalties, matters, and things concerning the safe custody, confinement, treatment, and transportation of any offender convicted in Great Britain shall extend and be construed to extend to such offender as fully and effectually, to all intents and purposes, as if such offender had been convicted and sentenced at any session of gaol delivery holden for any county in England.

Provisions as to offenders convicted in Great Britain to apply to such convicts.

Limitation

of actions.

Venue.

VII. And be it enacted, that if any suit or action shall be brought in any court within her Majesty's dominions against any person or persons for any thing done in pursuance of any such power or jurisdiction of her Majesty as aforesaid or of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen out of her Majesty's dominions, and then within six months after the plaintiffs or plaintiffs and defendant or defendants shall have been within the jurisdiction of the court in which the same may be brought; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have y cases of law.

arisen out of her Majesty's dominions; and the defendant or defendants shall Notice and be entitled to the like notice, and shall have the like privilege of tendering amends. amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any justice of the peace for acts done in the execution of his office by an Act passed in the twenty-fourth year of the reign of King George the Second, intituled "An Act for the rendering justices of the 24 Geo. 2. . Deace more safe in the execution of their office, and for indemnifying con-Stables and others acting in obedience to their warrants" [a]; and the defendant or defendants in every such action or suit may plead the general General issue. sole, and give the special matter in evidence; and if the matter or thing comlained of shall appear to have been done under the authority and in execution such power or jurisdiction of her Majesty as aforesaid or of this Act, ary such action or suit shall be brought after the time limited for bringthe same, or be brought and laid in any other county or place than the e ought to have been brought or laid in as aforesaid, then the jury shall for the defendant or defendants; and if the plaintiff or plaintiffs shall Treble costs. me monsuit, or discontinue any action after the defendant or defendants have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, upon demurrer judgment shall be taken against the plaintiff or plaintiffs, lefendant or defendants shall and may recover treble costs, and have the remedy for recovery thereof as any defendant or defendants hath or have

CHAPTER XCVI.

ACT to amend the Law respecting defamatory Words and Libel.

24th August 1843.]

OR the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in ercising the said liberty, be it enacted by the Queen's most excellent Offer of an ajesty, by and with the advice and consent of the lords spiritual and missible in mporal, and commons, in this present Parliament assembled, and by the evidence in thority of the same, that in any action for defamation it shall be lawful for damages in ne defendant (after notice in writing of his intention so to do, duly given to action for defamation. ne plaintiff at the time of filing or delivering the plea in such action,) to give n evidence, in mitigation of damages, that he made or offered an apology to he plaintiff for such defamation before the commencement of the action, or as oon afterwards as he had an opportunity of doing so, in case the action hall have been commenced before there was an opportunity of making or ffering such apology.

II. AND be it enacted, that in an action for a libel contained in any public In an action ewspaper or other periodical publication it shall be competent to the defen-ant to plead that such libel was inserted in such newspaper or other periodical defendant ublication without actual malice, and without gross negligence, and that may plead that it was inserted withvards, he inserted in such newspaper or other periodical publication a full out malice

I The Act 24 Geo. 2. c. 44. will be found in the Appendix to Vol. IV.]

and without negligence, and that he has published or offered to publish an apology, and upon filing such plea defendant may pay money into court as amends.

3 & 4 Will. 4. c. 42. Plaintiff may reply to such

plea. Publishing or threatening to publish a libel, or threatening to publish or proposing to abstain from publishing any thing, with intent to extort money, &c. punishable by imprisonment and hard labour. Taw as to threatening letters not affected.

defamatory libel known to be false; and for malicious publication of defamatory libel.

Punishment

for malicious

publication of

Upon the trial of an indictment or information for a defamatory libel the defendant may plead the truth of the matters

apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; and that every such defendant shall upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts berein-before required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under an Act passed in the session of Parliament held in the fourth year of his late Majesty, intituled "An Act for the further amendment of the law, " and the better advancement of justice [1]"; and that to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

III. AND be it enacted, that if any person shall publish or threaten to publish any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding three years: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.

IV. And be it enacted, that if any person shall maliciously publish any defamatory libel, knowing the same to be false, every such person, being convicted thereof, shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding two years, and to pay such fine as the court shall award.

V. And be it enacted, that if any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to fine or imprisonment or both, as the court may award, such imprisonment not to exceed the term of one year.

VI. AND be it enacted, that on the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as herein-after mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published; and that to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information it shall be necessary for the defendant, in pleading to the

^{[* 3 &}amp; 4 Will. 4. c. 42. s. 21. is rep., Stat. Law Rev. Act, 1874; and see now 15 & 16 Vict. c. 76. s. 70. &c.]

said indictment or information, to allege the truth of the said matters charged charged, and pleading a justification to an action for in the manner now required in that it was for the public benefit that the was for the defamation, and further to allege said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged the truth of should be published, to which plea the prosecutor shall be at liberty to reply charged may generally, denying the whole thereof; and that if after such plea the defendant be inquired shall be convicted on such indictment or information it shall be competent to the court, in pronouncing sentence, to consider whether the guilt of the of defendant defendant is aggravated or mitigated by the said plea, and by the evidence consider Siven to prove or to disprove the same: Provided always, that the truth of whether his the matters charged in the alleged libel complained of by such indictment or of mation shall in no case be inquired into without such plea of justification: mitigated by rovided also, that in addition to such plea it shall be competent to the Defendant efendant to plead a plea of not guilty : Provided also, that nothing in this may also plead ct contained shall take away or prejudice any defence under the plea not guilty which it is now competent to the defendant to make under to defendant ch plea to any action or indictment or information for defamatory words libel.

public benefit, and thereupon On conviction the court may guilt is aggravated or not guilty. Defences open under plea of not prejudiced.

publication

VII. AND be it enacted, that when soever, upon the trial of any indictment Defendant information for the publication of a libel, under the plea of not guilty, idence shall have been given which shall establish a presumptive case of rebut prima blication against the defendant by the act of any other person by his thority, it shall be competent to such defendant to prove that such publi- by his agent. ion was made without his authority, consent, or knowledge, and that e said publication did not arise from want of due care or caution on his

VIII. AND be it enacted, that in the case of any indictment or information On prosecua Private prosecutor for the publication of any defamatory libel, if judgment ball be given for the defendant, he shall be entitled to recover from the prose- defendant cutor the costs sustained by the said defendant by reason of such indictment or information; and that upon a special plea of justification to such indictinformation, if the issue be found for the prosecutor, he shall be succeeding entitled to recover from the defendant the costs sustained by the prosecutor entitled to by reason of such plea, such costs so to be recovered by the defendant or prosecutor respectively to be taxed by the proper officer of the court before which special plea of the said indictment or information is tried.

costs incurred by reason of justification.

IX. AND be it enacted, that wherever throughout this Act, in describing Interpretathe plaintiff or the defendant, or the party affected or intended to be affected by the offence, words are used importing the singular number or the masculine gender only, yet they shall be understood to include several persons as well as one person, and females as well as males, unless when the nature of the provision or the context of the Act shall exclude such construction.

. . . . nothing in this Act contained shall extend to Extent of Scotland.

CHAPTER XCVIII.

An Acr for the more effectual Suppression of the Slave Trade.

[24th August 1843.]

5 Geo. 4. c. 118. s. 2.

HEREAS an Act was passed in the fifth year of the reign of King George the Fourth, intituled "An Act to amend and consolidate the " laws relating to the abolition of the slave trade," whereby it is enacted (among other things), that it shall not be lawful (except in such special cases as are herein-after mentioned) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer, of slaves or persons intended to be dealt with as slaves; or to carry away or remove, or to contract for the carrying away or removing, of slaves or other persons as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing, into any place whatsoever, slaves or other persons as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board, of any ship, vessel, or boat, slaves or other persons for the purpose of their being carried away or removed as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board, of any ship, vessel, or boat, slaves or other persons for the purpose of their being imported or brought into any place whatsoever as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance, of money, goods, or effects employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or in any other manner to engage or to contract to engage, directly or indirectly, therein as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transhipping, lading, receiving, or putting on board, of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command or for the navigating or entering and embarking on board, of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in

the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed, in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to insure or to contract for the insuring of any slaves, or any property or other subject matter engaged or employed or intended to be engaged or employed in accomplishing any of the Objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful: And whereas it is expedient that on and after the commencement of this Act the provisions of the said Act herein-before recited shall be deemed to apply to, and extend to render Inlawful, and to prohibit, the several acts, matters, and things therein men-Then committed by British subjects in foreign countries and settlements t belonging to the British crown, in like manner and to all intents and Poses as if the same were done or committed by such persons within the tish dominions, colonies, or settlements; and it is expedient that further visions should be made for the more effectual suppression of the slave trade, of certain practices tending to promote and encourage it: Be it therefore The recited the Queen's most excellent Majesty, by and with the advice and Act and this of the lords spiritual and temporal, and commons, in this present apply to all sent liament assembled, and by the authority of the same, that all the provisions British subjects wherehe said Consolidated Slave Trade Act herein-before recited and of this present ever residing. shall, from and after the coming into operation of this Act, be deemed to and apply to British subjects wheresoever residing or being, and nd ther within the dominions of the British crown or of any foreign country; all the several matters and things prohibited by the said Consolidated Trade Act or by this present Act, when committed by British subjects, ether within the dominions of the British crown or in any foreign country, ept only as is herein-after excepted, shall be deemed and taken to be committed against the said several Acts respectively, and shall be alt with and punished accordingly: Provided nevertheless, that nothing

erein contained shall repeal or alter any of the provisions of the said Act. II. AND be it declared and enacted, that all persons holden in servitude as Pawns to be ledges for debt, and commonly called "pawns," or by whatsoever other name deemed slaves under recited hey may be called or known, shall, for the purposes of the said Consolidated Act and Slave Trade Act, and of an Act passed in the third and fourth years of the eign of King William the Fourth, intituled "An Act for the abolition of this Act. ' slavery throughout the British colonies, for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the services of such slaves," and of this present Act, be deemed and construed to be slaves or persons intended to be dealt with as slaves.

IV. AND whereas the provisions heretofore made for the hearing and letermining in England of offences committed against the Acts for the abolition of the slave trade in places out of this United Kingdom have been ound ineffectual, by reason of the difficulty of proving in this kingdom matters and things done elsewhere: Be it enacted, that in all cases of indict- Evidence ment or information laid or exhibited in the Court of Queen's Bench for may be taken misdemeanors or offences committed against the said Acts or against this transmitted

to the Court of Queen's Bench, on indictments, &c. for offences under recited Acts and this Act.

present Act in any places out of the United Kingdom, and within any British colony, settlement, plantation or territory, it shall and may be lawful for her Majesty's said court, upon motion to be made on behalf of the prosecutor or defendant, to award a writ or writs of mandamus, requiring the chief justice or other chief judicial officer in such colony, settlement, plantation, or territory, who are hereby respectively authorized and required accordingly, to hold a court, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictments or informations respectively, and in the meantime to cause public notice to be given of the holding of such courts, and summonses to be issued for the attendances of witnesses and of agents and counsel of the parties; and such examination as aforesaid shall be then and there openly and publicly taken in the said court vivâ voce, upon the respective oaths of the persons examined, and be reduced to writing, and be sent to her Majesty in her Court of Queen's Bench (in manner set forth and prescribed in an Act passed in the thirteenth year of George the Third, chapter sixty-three, intituled "An Act for establishing " certain regulations for the better management of the affairs of the East "India Company as well in India as in Europe"); and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witnesses had been present and sworn and examined viva voce at any trial for such misdemeanors and offences as aforesaid in her Majesty's said Court of Queen's Bench, any law or usage to the contrary thereof not with standing.

13 Geo. 3. c. 63.

V. PROVIDED always, and be it enacted, that in all the cases in which the holding or taking of slaves shall not be prohibited by this or any other Act of Parliament, it shall be lawful to sell or transfer such slaves, any thing in this or any other Act contained notwithstanding.

prohibited by Parliament slaves may be sold or transferred. Act not to extend to persons selling shares in existing companies now in possession of slaves, or to persons selling shares now in their possession and acquired by inheritance, &c.

In cases not

VI. Provided always, and be it enacted, that nothing in this Act contained shall be taken to subject to any forfeiture, punishment, or penalty any person for transferring or receiving any share in any joint stock company established before the passing of this Act in respect of any slave or slaves in the possession of such company before such time, or for selling any slave or slaves which were lawfully in his possession at the time of passing this Act, or which such person shall or may have become possessed of or entitled unto bonâ fide prior to such sale, by inheritance, devise, bequest, marriage, or otherwise by operation of law.

8 VICTORIA. A.D. 1844.

STATUTES MADE AT THE PARLIAMENT BEGUN AND HOLDEN AT WESTMINSTER THE NINETEENTH DAY OF August, A.D. 1841,

IN THE FIFTH YEAR OF THE REIGN OF QUEEN VICTORIA, AND FROM THENCE CONTINUED, BY SEVERAL PROROGATIONS, TO THE FIRST DAY OF FEBRUARY, A.D. 1844,

Being the Fourth Session of the Fourteenth Parliament of the United KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER II.

An Act for the more speedy Trial of Offences committed on the High Seas. [5th March 1844.]

WHEREAS by an Act passed in the twenty-eighth year of the reign of Recital of King Henry the Eighth, intituled "For pirates," it was enacted, that all 28 Hen. 8. easons, felonies, robberies, murders, and confederacies thereafter to be comitted in or upon the sea, or in any other haven, river, creek, or place where missions for e admiral or admirals have or pretend to have power, authority, or jurisdiction, trial of offence committed on ould be inquired, tried, heard, determined, and judged in such shires and the high seas, aces in the realm as should be limited by the King's commission or commisons to be directed for the same, in like form and condition as if any such ence or offences had been committed or done in or upon the land; and such mmissions should be had under the King's great seal, directed to the miral or admirals, or to his or their lieutenant, deputy and deputies, and to ree or four other substantial persons as should be named or appointed by the rd chancellor of England for the time being, from time to time and as often need should require, to hear and determine such offences after the common surse of the laws of this realm used for treasons, felonies, murders, robberies, nd confederacies of the same done and committed upon the land within this alm: And whereas it is expedient that provision be made for the trial of ersons charged with offences so committed, without issuing any special mmission in that behalf: Be it enacted by the Queen's most excellent Justices of ajesty, by and with the advice and consent of the lords spiritual and assize or others ac mporal, and commons, in this present Parliament assembled, and by the others acting under commisof the same, that her Majesty's justices of assize or others her sions of over ajesty's Commissioners by whom any court shall be holden under any of her ajesty's Commissions of oyer and terminer or general gaol delivery shall have delivery may try offences verally and jointly all the powers which by any Act are given to the comssioners named in any commission of over and terminer for the trying of the high seas ences committed within the jurisdiction of the Admiralty of England, and t it shall be lawful for the first-mentioned justices and commissioners, or jurisdiction of Admiralty. one or more of them, to inquire of, hear, and determine all offences alleged been committed on the high seas and other places within the jurisdicof the Admiralty of England, and to deliver the gaol in every county and thise within the limits of their several commissions of any person committed imprisoned therein for any offence alleged to have been committed upon

Costs of prosecution may be ordered to be paid under 7 Geo. 4. c. 64.

the high seas and other places within the jurisdiction of the Admiralty of England; and all indictments found and trials and other proceedings had by and before the said justices and commissioners shall be valid; and it shall be lawful for the court to order the payment of the costs and expences of the prosecution of such offences, in the manner prescribed by an Act of the seventh year of King George the Fourth, intituled "An Act for improving the administration of criminal justice in England," in the case of felonies tried in the High Court of Admiralty.

Venue in indictments.

II. And be it enacted, that in all indictments preferred before the said justices and commissioners under this Act the venue laid in the margin shall be the same as if the offence had been committed in the county where the trial is had; and all material facts which in other indictments would be averred to have taken place in the county where the trial is had shall in indictments prepared and tried under this Act be averred to have taken place "on the "high seas."

Where offenders shall be tried when committed by justices acting under 7 Geo. 4. c. 38.

III. And be it enacted, that the justice or justices by whom any information shall be taken touching any offence committed within the jurisdiction of the Admiralty of England under the provisions of an Act passed in the seventh year of the reign of King George the Fourth, intituled "An Act to enable " commissioners for trying offences upon the sea, and justices of the peace, to " take examinations touching such offences, and to commit to safe custody " persons charged therewith," if he or they shall see cause thereupon to commit such person to take his trial for such offence, shall commit him to the same prison to which he would have been committed to take his trial at the next court of over and terminer and general gaol delivery if the offence had been committed on land within the jurisdiction of the same justice or justices, and shall have authority to bind by recognizance all persons who shall know or declare any thing material touching the said offence to appear at the said next court of over and terminer and general gaol delivery, then and there to prosecute or give evidence against the party accused, and shall return all such informations and recognizances to the proper officer of the court in which the trial is to be, at or before the opening of the court; and every such offender shall be arraigned, tried, and sentenced as if the offence had been committed within the county, riding, or division for which such court shall be holden.

This Act shall not affect jurisdiction of Central Criminal Court, nor prevent the issue of special commissions.

IV. PROVIDED always, and be it declared and enacted, that nothing herein contained shall affect the jurisdiction belonging to the Central Criminal Court for the trial of persons charged with offences committed on the high seas and other places within the jurisdiction of the Admiralty of England, or to restrain the issue of any special commission under the first-recited Act for the trial of such offenders, if need shall be.

CHAPTER XII.

An AcT to amend the Law relating to International Copyright.

[10th May 1844.]

1 & 2 Vict. c. 59. WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty, intituled "An Act " for securing to authors in certain cases the benefit of international copy-

right," (and which Act is herein-after, for the sake of perspicuity, designated "the International Copyright Act,") her Majesty was empowered by order "the international the authors of books which should after a future time, be specified in such or der in council, be published in any foreign country, be specified in such be specimed in such the sole liberty of printing and reprinting such books ad assigns, should have ithin the British dominions for such term as her Majesty should by such der in council direct, not exceeding the term which authors, being British abjects, were then, (that is to say) at the time of passing the said Act, ntitled to in respect of books first published in the United Kingdom; and ne said Act contains divers enactments securing to authors and their repreentatives the copyright in the books to which any such order in council should stend: And whereas an Act was passed in the session of Parliament held in e fifth and sixth years of the reign of her present Majesty, intituled "An 5 & 6 Vict. Act to amend the law of copyright," (and which Act is herein-after, for the c.45. ke of perspicuity, designated as "the Copyright Amendment Act,") repealing rious Acts therein mentioned relating to the copyright of printed books, and tending, defining, and securing to authors and their representatives the pyright of books: And whereas an Act was passed in the session of Parliant held in the third and fourth years of the reign of his late Majesty King lliam the Fourth, intituled "An Act to amend the laws relating to dramatic 3 & 4 Will. 4. iterary property," (and which Act is herein-after, for the sake of perspicuity, c. 15. ignated as "the Dramatic Literary Property Act,") whereby the sole erty of representing or causing to be represented any dramatic piece in any ce of dramatic entertainment in any part of the British dominions, which uld be composed and not printed or published by the author thereof or his ignee, was secured to such author or his assignee; and by the said Act it s enacted, that the author of any such production which should thereafter printed and published, or his assignee, should have the like sole liberty of resentation until the end of twenty-eight years from the first publication reof: And whereas by the said Copyright Amendment Act the provisions the said Dramatic Literary Property Act and of the said Copyright Amendnt Act were made applicable to musical compositions; and it was thereby o enacted, that the sole liberty of representing or performing, or causing or rmitting to be represented or performed, in any part of the British minions, any dramatic piece or musical composition, should endure and be property of the author thereof and his assigns for the term in the said pyright Amendment Act provided for the duration of the copyright in oks, and that the provisions therein enacted in respect of the property of th copyright should apply to the liberty of representing or performing any matic Diece or musical composition: And whereas under or by virtue of four several Acts next herein-after mentioned; (that is to say,) an Act sed in the eighth year of the reign of his late Majesty King George the ond, intituled "An Act for the encouragement of the arts of designing, 8 Geo. 2. graving, and etching historical and other prints, by vesting the properties ereof in the inventors or engravers during the time therein mentioned"; ct passed in the seventh year of his late Majesty King George the Third, led "An Act to amend and render more effectual an Act made in the 7 Geo. 3. Thear of the reign of King George the Second, for encouragement of c. 38, LOT' IX'

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" the arts of designing, engraving, and etching historical and other prints; " and for vesting in and securing to Jane Hogarth, widow, the property in " certain prints"; an Act passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled "An Act for more effectually " securing the property of prints to inventors and engravers, by enabling them " to sue for and recover penalties in certain cases"; and an Act passed in the session of Parliament held in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to extend the " protection of copyright in prints and engravings to Ireland," (and which said four several Acts are herein-after, for the sake of perspicuity, designated as the Engraving Copyright Acts,) every person who invents or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, notwithstanding such print shall not have been graven or drawn from the original design of such graver, etcher, or draftsman, is entitled to the copyright of such print for the term of twentyeight years from the first publishing thereof; and by the said several Engraving Copyright Acts it is provided that the name of the proprietor shall be truly engraved on each plate, and printed on every such print, and remedies are provided for the infringement of such copyright: And whereas under and by virtue of an Act passed in the thirty-eighth year of the reign of his late Majesty King George the Third, intituled "An Act for encouraging the art of " making new models and casts of busts and other things therein mentioned." and of an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to amend and render more effectual " an Act of his present Majesty, for encouraging the art of making new " models and casts of busts and other things therein mentioned, and for " giving further encouragement to such arts," (and which said Acts are, for the sake of perspicuity, herein-after designated as the Sculpture Copyright Acts,) every person who makes or causes to be made any new and original sculpture, or model or copy or cast of the human figure, any bust or part of the human figure clothed in drapery or otherwise, any animal or part of any animal combined with the human figure or otherwise, any subject, being matter of invention in sculpture, any alto or basso relievo, representing any of the matters aforesaid, or any cast from nature of the human figure or part thereof, or of any animal or part thereof, or of any such subject representing any of the matters aforesaid, whether separate or combined, is entitled to the copyright in such new and original sculpture, model, copy, and cast, for fourteen years from first putting forth and publishing the same, and for an additional period of fourteen years in case the original maker is living at the end of the first period; and by the said Acts it is provided that the name of the proprietor, with the date of the publication thereof, is to be put on all such sculptures, models, copies, and casts, and remedies are provided for the infringement of such copyright: And whereas the powers vested in her

Majesty by the said International Copyright Act are insufficient to enable her Majesty to confer upon authors of books first published in foreign countries copyright of the like duration, and with the like remedies for the infringement thereof, which are conferred and provided by the said Copyright Amendment Act with respect to authors of books first published in the British dominions; and the said International Copyright Act does not empower her Majesty to confer any exclusive right of representing or performing dramatic pieces or usical compositions first published in foreign countries upon the authors thereof, nor to extend the privilege of copyright to prints and sculpture first Published abroad; and it is expedient to vest increased powers in her Majesty this respect, and for that purpose to repeal the said International Copyright ct, and to give such other powers to her Majesty, and to make such further opsions, as are herein-after contained: Be it therefore enacted by the Queen's Repeal of inexcellent Majesty, by and with the advice and consent of the lords spiritual and ternational poral, and commons, in this present Parliament assembled, and by the authority he same, that the said recited Act herein designated as the International Copyright shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874

I. AND be it enacted, that it shall be lawful for her Majesty, by any or of her Majesty in council, to direct that, as respects all or any particular authors, &c. classes of the following works, (namely,) books, prints, articles of of works first pture, and other works of art, to be defined in such order, which shall ra future time, to be specified in such order, be first published in any ign country to be named in such order, the authors, inventors, designers, copyright avers, and makers thereof respectively, their respective executors, adminisors, and assigns, shall have the privilege of copyright therein during such dominions od or respective periods as shall be defined in such order, not exceeding, not exceeding ever, as to any of the above-mentioned works, the term of copyright which that for which nors, according to the like works respectively of like works respectively. first published in the United Kingdom may be then entitled to under first published in the United herein-before recited Acts respectively, or under any Acts which may Kingdom reafter be passed in that behalf.

III. AND be it enacted, that in case any such order shall apply to books, all copyright. ad singular the enactments of the said Copyright Amendment Act, and of any If the order ther Act for the time being in force with relation to the copyright in books books, the rst published in this country, shall, from and after the time so to be specified copyright law that behalf in such order, and subject to such limitation as to the duration first published f the copyright as shall be therein contained, apply to and be in force in in this country shall apply to espect of the books to which such order shall extend, and which shall have the books to een registered as herein-after is provided, in such and the same manner as if which the uch books were first published in the United Kingdom, save and except such if registered, f the said enactments, or such parts thereof, as shall be excepted in such exceptions. rder, and save and except such of the said enactments as relate to the elivery of copies of books at the British Museum, and to or for the use of ne other libraries mentioned in the said Copyright Amendment Act.

IV. AND be it enacted, that in case any such order shall apply to prints, If the order eticles of sculpture, or to any such other works of art as aforesaid, all and prints, seu ngular the enactments of the said Engraving Copyright Acts and the said tures, &c. the culpture Copyright Acts, or of any other Act for the time being in force with law as to elation to the copyright in prints or articles of sculpture first published in prints or

Her Majesty, by order in council, may her Majesty's

sculptures first published in this country shall apply to the prints, sculptures, &c. to which such order relates, if registered.

Her Majesty may, by order in council, direct that authors and composers of dramatic pieces and musical compositions first publicly represented and performed in foreign countries shall have exclusive rights of representation in the British dominions. Enactments relating to similar pieces first publicly represented in this country shall apply to such pieces, if registered.

Particulars to be observed as to registry and to delivery of copies;

as to books and printed dramatic pieces or musical compositions; this country, and of any Act for the time being in force with relation to the copyright in any similar works of art first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained respectively, apply to and be in force in respect of the prints, articles of sculpture, and other works of art to which such order shall extend, and which shall have been registered as herein-after is provided, in such and the same manner as if such articles and other works of art were first published in the United Kingdom, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

V. And be it enacted, that it shall be lawful for her Majesty, by any order of her Majesty in council, to direct that the authors of dramatic pieces and musical compositions which shall after a future time, to be specified in such order, be first publicly represented or performed in any foreign country to be named in such order, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during such period as shall be defined in such order, not exceeding the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom may for the time be entitled by law to the sole liberty of representing and performing the same; and from and after the time so specified in any such last mentioned order the enactments of the said Dramatic Literary Property Act and of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the liberty of publicly representing and performing dramatic pieces or musical compositions, shall, subject to such limitation as to the duration of the right conferred by any such order as shall be therein contained, apply to and be in force in respect of the dramatic pieces and musical compositions to which such order shall extend, and which shall have been registered as herein-after is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

VI. Provided always, and be it enacted, that no author of any book, dramatic piece, or musical composition, or his executors, administrators, or assigns, and no inventor, designer, or engraver of any print, or maker of any article of sculpture, or other work of art, his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any order in council to be issued in pursuance thereof, unless, within a time or times to be in that behalf prescribed in each such order in council, such book, dramatic piece musical composition, print, article of sculpture, or other work of art, shall have been so registered and such copy thereof shall have been so delivered as herein-after is mentioned; (that is to say,) as regards such book, and also such dramatic piece or musical composition, (in the event of the same having been printed,) the title to the copy thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation. or performance thereof, as the case may be, in the foreign country named in the order in council under which the benefits of this Act shall be claimed, shall

be entered in the register book of the Company of Stationers in London, and one printed copy of the whole of such book, and of such dramatic piece or musical composition, in the even t of the same having been printed, and of every volume thereof, upon the best paper upon which the largest number or impression of the book, dramatic Piece, or musical composition shall have been Printed for sale, together with all maps and prints relating thereto, shall be delivered to the officer of the Company of Stationers at the hall of the said company; and as regards dramatic pieces and musical compositions in as to dramatic nanuscript, the title to the same, the name and place of abode of the author musical comor composer thereof, the name and place of abode of the proprietor of the positions in 186t of representing or performing the same, and the time and place of the representation or performance thereof in the country named in the order council under which the benefit of the Act shall be claimed, shall be entered the said register book of the said Company of Stationers in London; and as as to prints; ards prints, the title thereof, the name and place of abode of the inventor, igner, or engraver thereof, the name of the proprietor of the copyright rein, and the time and place of the first publication thereof in the foreign ntry mamed in the order in council under which the benefits of the Act Il be claimed, shall be entered in the said register book of the said Comy of Stationers in London, and a copy of such print, upon the best paper on which the largest number or impressions of the print shall have been ated for sale, shall be delivered to the officer of the Company of Stationers the hall of the said company; and as regards any such article of sculpture, as to sculpany such other work of art as aforesaid, a descriptive title thereof, the se and place of abode of the maker thereof, the name of the proprietor of copyright therein, and the time and place of its first publication in the eign country named in the order in council under which the benefit of this t shall be claimed, shall be entered in the said register book of the said ompany of Stationers in London; and the officer of the said Company of tationers receiving such copies so to be delivered as aforesaid shall give a eceipt in writing for the same, and such delivery shall to all intents and puroses be a sufficient delivery under the provisions of this Act.

VII. PROVIDED always, and be it enacted, that if a book be published In case of nonymously it shall be sufficient to insert in the entry thereof in such register books published anonysook the name and place of abode of the first publisher thereof, instead of the mously, it name and place of abode of the author thereof, together with a declaration sufficient to that such entry is made either on behalf of the author or on behalf of such register the first publisher, as the case may require.

VIII. And be it enacted, that the several enactments in the said Copyright The provisions Amendment Act contained with relation to keeping the said register book, and of the Copythe inspection thereof, the searches therein, and the delivery of certified and ment Act stamped copies thereof, the reception of such copies in evidence, the making of 5 & 6 Vict. false entries in the said book, and the production in evidence of papers falsely regards entries purporting to be copies of entries in the said book, the applications to the courts and judges by persons aggrieved by entries in the said book, and the Company of expunging and varying such entries, shall apply to the books, dramatic pieces, searches, &c. and musical compositions, prints, articles of sculpture, and other works of art, to apply to to which any order in council issued in pursuance of this Act shall extend, registered and to the entries and assignments of copyright and proprietorship therein, in under this

name, &c. of the publisher.

right Amendc. 45. as in the register book of the

such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Copyright Amendment Act may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling

As to expunging or varying entry grounded on wrongful first publication.

IX. And be it enacted, that every entry made in pursuance of this Act of a first publication shall be prima facie proof of a rightful first publication; but if there be a wrongful first publication, and any party have availed himself thereof to obtain an entry of a spurious work, no order for expunging or varying such entry shall be made unless it be proved to the satisfaction of the court or of the judge taking cognizance of the application for expunging or varying such entry, first, with respect to a wrongful publication in a country to which the author or first publisher does not belong, and in regard to which there does not subsist with this country any treaty of international copyright, that the party making the application was the author or first publisher, as the case requires; second, with respect to a wrongful first publication either in the country where a rightful first publication has taken place, or in regard to which there subsists with this country a treaty of international copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

Copies of books wherein copyright is subsisting under this Act printed in foreign countries other than those wherein the books were first published shall not be imported, except with consent of registered proprietors, and shall be subject to laws of customs as to prohibited goods,

Liability of persons selling such copies or any copies unlawfully

printed.

X. And be it enacted, that all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any order in council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorized in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to actions thereby authorized to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions.

()fficer of Stationers Company to deposit books,

XI. AND be it enacted, that the said officer of the said Company of Stationers shall receive at the hall of the said company every book, volume, or print so to be delivered as aforesaid, and within one calendar month after receiving such book, volume, or print shall deposit the same in the library of the British &c. delivered

XII. Provided always, and be it enacted, that it shall not be requisite to As to depositdeliver to the said officer of the said Stationers Company any printed copy of ing copies of the second or of any subsequent edition of any book or books so delivered as subsequent aforesaid, unless the same shall contain additions or alterations.

XIII. And be it enacted, that the respective terms to be specified by such Different orders in council respectively for the continuance of the privilege to be granted be specified for respect of works to be first published in foreign countries may be different continuance Works first published in different foreign countries and for different classes for different such works; and that the times to be prescribed for the entries to be made foreign the register book of the Stationers Company, and for the deliveries of the classes of other articles to the said officer of the Stationers Company, as herein-works, and tre is mentioned, may be different for different foreign countries and for tries, &c. may rent classes of books or other articles.

PROVIDED always, and be it enacted, that no such order in council IV. have any effect unless it shall be therein stated, as the ground for issuing unless it states ance, that due protection has been secured by the foreign power so named protection is nch order in council for the benefit of parties interested in works first secured for parished in the dominions of her Majesty similar to those comprised in such in works first

V. AND be it enacted, that every order in council to be made under the dominions. ority of this Act shall as soon as may be after the making thereof by her Orders to be sty in council be published in the London Gazette, and from the time of Gazette, and Publication shall have the same effect as if every part thereof were to have effect ded in this Act.

VI. AND be it enacted, that a copy of every order of her Majesty in Orders to be cil made under this Act shall be laid before both Houses of Parliament Parliament. hin six weeks after issuing the same, if Parliament be then sitting, and if t, them within six weeks after the commencement of the then next session of rliament.

XVII. And be it enacted, that it shall be lawful for her Majesty by an order Orders may council from time to time to revoke or alter any order in council previously be revoked. ade under the authority of this Act, but nevertheless without prejudice to ny rights acquired previously to such revocation or alteration.

[XVIII.-] Provided always, and be it enacted, that nothing in this Act Privilege not ontained shall be construed to prevent the printing, publication, or sale of any to extend to translations. canslation of any book the author whereof and his assigns may be entitled to ne benefit of this Act.

XIX. AND be it enacted, that neither the author of any book, nor the Authors, &c. uthor or composer of any dramatic piece or musical composition, nor the published eventor, designer, or engraver of any print, nor the maker of any article of in foreign sulpture, or of such other work of art as aforesaid, which shall after the entitled to assing of this Act be first published out of her Majesty's dominions, shall have copyright by copyright therein respectively, or any exclusive right to the public repreentation or performance thereof, otherwise than such (if any) as he may ecome entitled to under this Act.

in the British Museum.

editions.

countries and times for enbe different.

No order to take effect that reciprocal ties interested published in British as if included

Is is rep., 15 & 16 Vict. c. 12. s. 1., so far as the same is inconsistent with the provisions thereinafter contained.

Interpretation clause.

XX. And be it enacted, that in the construction of this Act the word "book" shall be construed to include "volume," "pamphlet," "sheet of letter-" press," "sheet of music," "map," "chart," or "plan"; and the expression "articles of sculpture" shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words "printing" and "re-printing" shall include engraving and any other method of multiplying copies; and the expression "her Majesty" shall include the heirs and successors of her Majesty; and the expressions "order of her Majesty " in council," "order in council," and "order," shall respectively mean order of her Majesty acting by and with the advice of her Majesty's most honourable privy council; and the expression "officer of the Company of Stationers" shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

CHAPTER XV.

An Act to amend the Laws relating to Labour in Factories. [5]

[6th June 1844.]

WHEREAS the laws relating to labour in factories require to be amended:

Restriction on powers of inspectors of factories under 3 & 4 Will. 4. c. 103. (Factory Act). Exemption of inspectors and sub-inspectors from certain duties.

Powers of inspectors and sub-inspectors.

III. AND be it enacted, that every inspector and sub-inspector shall have power to enter every part of any factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a factory, and to enter any school in which children employed in factories are educated, and at all times to take with him into any factory the certifying surgeon of the district herein-after mentioned, and any constable or other peace officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a

^[2] So much of this Act as restricts or limits the hours of the employment or labour of young persons and of females above the age of 18 years, rep., 13 and 14 Vict. c. 54. s. l., save as therein mentioned.

D. 1844.

story or in such a school, or whom he shall have reason to believe to be or have been employed in a factory within two months next preceding the nave been employed him to be examined touching any matter within ne when he shall require and the increases e provisions of this Act, and the inspector or sub-inspector may, if he shall e fit, require such person the shall have been or shall be so examined; and very inspector and sub-inspector shall have power to examine the registers, very inspector and other documents kept in pursuance of this Act; and Obstruction of very person who shall refuse to be examined as aforesaid, or who shall refuse inspectors and o sign his name or affix his mark to a declaration of the truth of the matters especting which he shall have been examined, or who shall in any manner ttempt to conceal or otherwise prevent any child or other person from Ppearing before or being examined by an inspector or sub-inspector, or who hall prevent or knowingly delay the admission of an inspector or sub-inspector any part of a factory or school, or shall prevent an inspector or subspector from examining any register, certificate, notice, or other document ept in pursuance of this Act, shall be deemed guilty of wilfully obstructg the inspector or sub-inspector in the execution of the powers intrusted him.

1V. AND be it enacted, that the provisions of an Act passed in the twenty- Protection of urth year of the reign of King George the Second, intituled "An Act for the inspectors and sub-inspectors. rendering justices of the peace more safe in the execution of their office, and 24 Geo. 2. for indemnifying constables and others acting in obedience to their c. 44. warrants" [1], as amended by any subsequent Act, so far as they relate to ndering justices of the peace more safe in the execution of their office, shall tend to protect the inspectors and sub-inspectors in the exercise of their ties under this Act.

V. AND be it enacted, that a proper office, to be called "the Office of the Office, clerks, actory Inspectors," shall be provided in London or Westminster for the use of inspectors. e inspectors, and for the preservation of the factory records, and all docuents relating to the several proceedings under this Act; and one of her Lajesty's principal secretaries of state shall appoint from time to time such erks and servants as may be deemed necessary to carry on the business of said Office, and may at pleasure remove them or any of them; and the ommissioners of her Majesty's Treasury of the United Kingdom of Great ritain and Ireland shall fix the salaries of the clerks and servants in fit pro-Salaries of ortion according to the duties they may have to perform.

VI. AND be it enacted, that one of her Majesty's principal secretaries of Regulations for manageate, or the inspectors, with the approval of such principal secretary, from ment of the me to time may make regulations for the management of the said office, and office, and for regulating the r regulating the duties of the several inspectors and sub-inspectors, and of duties of the e clerks and servants of the said office, in the execution of this Act, so that inspectors, &c. ey be not contrary to the provisions herein contained; and the regulations made and approved shall be binding on the said inspectors and sub-inspecs clerks, and servants respectively.

AND be it enacted, that after the passing of this Act every person, on Persons beginning to inning to occupy a factory, shall within one month send, addressed "To the occupy a

The Act 24 Geo. 2. c. 44. will be found in the Appendix to Vol. 1V.]

factory to send notice to the office of factory inspectors, containing certain particulars. Certifying surgeous to be appointed by inspectors. "Office of the Factory Inspectors, London," a written notice, containing the name of the factory, the place, township, parish, and county where it is situated, the post office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on.

VIII. And be it enacted, that after the passing of this Act any inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying surgeons, for the purpose of examining persons who shall be brought before them to obtain the surgical certificates of age required by the Factory Act and by this Act, and of giving the said certificates. and shall from time to time make regulations for their guidance, and shall in every such appointment specify the factories or district for which each surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying surgeon, and every order annulling such appointment, may be revoked by the secretary of state, on appeal made to him for either purpose; and the inspector of the district shall make known the name of the certifying surgeons so from time to time appointed or discontinued to the occupiers of the factories in that district in such manner as to him shall seem fit; but no surgeon, being the occupier of a factory, or having a beneficial interest in any factory, shall be a certifying surgeon.

IX. And be it enacted, that the certificates of age required by the factory Act or by this Act, herein called surgical certificates, shall be given according to the form and directions contained in the schedule (A.) annexed to this Act; and the certificates given by any such certifying surgeon shall be as valid as if countersigned by an inspector, justice of the peace, or burgh magistrate; and the name of every person for whom a certificate of age is required by the Factory Act or by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the schedule (B.) annexed to this Act, before it shall be lawful to employ such person in a factory: Provided always, that no surgical certificate shall be required for any young person above the age of sixteen years.

X. And be it enacted, that no such surgical certificate given by any person who is not an appointed certifying surgeon shall be of any force, unless it is given by a person duly authorized by an university or college, or other public body having authority in that behalf, to practise surgery or medicine, and countersigned, according to the form and directions given in the schedule (A.) to this Act annexed, by some justice of the peace, not being the occupier of a factory, and not being the father, son, or brother of the occupier of a factory; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted.

XI. And be it enacted, that no person shall grant any surgical certificate required by the Factory Act or by this Act, except upon personal inspection of the person named therein; and no certifying surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate, elsewhere than at the factory where such person is to be employed, unless for special cause, to be allowed by an inspector; and if a certifying surgeon shall

Surgical certificates of age to be according to form in schedule (A). Validity of certificate signed by certifying surgeon. **Particulars** to be registered according to form, &c. in schedule (B). Certificate not required for persons above 16. Certificates not given by certifying surgeon must be by duly authorized medical practitioner, and countersigned by a magistrate, according to form, &c. in schedule (A.) Surgical certificates not to be given except on personal inspection or clsewhere than at the factory, except for special cause.

factory situated at a greater distance than three miles oftener than once in every fortnight, unless with the consent of the occupier of the factory.

Inspectors and sub-inspectors may annul certificates in certain cases.

every inspector and sub-inspector may annul any surgical certificate granted under this Act, by writing across the surgical certificate the word "annulled," with his name, and the date of annulling such certificate; provided that . . . he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate, or provided the certifying surgeon of the district shall, upon reference made to him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act from the day when the certificate shall have been so annulled; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

How certificates of real age may be obtained when certifying surgeon refuses surgical certificate, or the same has been annulled.

Inspectors, &c. shall give requisition for production of certified copy of entry of birth or baptism;

proceedings on obtaining

the same.

Inspector may on requisition obtain certified

XV. AND be it enacted, that in case any person shall be desirous of proving the real age of any person for whom a certifying surgeon shall have refused to grant a certificate of age for the purposes of this Act, or whose surgical certificate any inspector or sub-inspector shall have annulled, the inspector or sub-inspector shall, on demand, give to such person a requisition under his hand, in a form to be approved of by the inspectors and by the registrar general, for the production of a duly certified copy of the entry of the birth or baptism of such person; provided the party demanding the same shall declare the names of such person and of his parents, with the place where and the year in which he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of one shilling, to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the inspectors and registrar general, from any minister, registrar, or other person having the care of any register of births or baptisms in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar, or other person having charge of such register; and such payment of one shilling shall be instead of all other fees or payments to which such minister, registrar, or other person shall be entitled; and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the surgical certificate required shall be produced to the certifying surgeon of the district, he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying surgeon shall thereupon, without further fee or reward, give a surgical certificate in the form provided for that case in schedule (A.) to this Act annexed, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature, and the date of such signature, and shall send such certified copy by the post to the subinspector of the district, who shall send a receipt for the same by post to the said surgeon, and shall keep such certified copy of the entry of the birth or baptism, for future reference, if necessary; and if any inspector of factories shall require a certified copy of the entry of the birth of any person employed in any factory from the office of the registrar general, he, or any person copy of entry leputed by him, shall, on producing a requisition in the form herein-before of birth from office of registers in the country of the registers in the country of the registers in the country of the registers in the country of the registers in the country of the registers in the country of the registers in the country of the registers in the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of the country of entitled to examine the indexes to the registers in the general trar general gister office, and to receive such certified copy indorsed on the requisition without fee. gister of payment of any fee; but no certified copy of the entry of any any such many ithout the payment of any ree; but is any such requisition herein-before rth or baptism issued in consequence of any such requisition herein-before ovided shall be admissible in evidence in any court or for any purpose, save not to give ovided always, that in those cases in which a requisition the partificate shall have been refused. the partificate shall have been refused or annulled in consequence of defi-irgical certificate shall have been refused of disease or bodily inc. ent health or strength, or by reason of disease or bodily infirmity, the been refused or annulled ent new sub-inspector shall not sign the requisition herein-before mentioned, on account of appector of real are all aspects person shall not be employed on proof of real age only.

AND be it enacted, that here AND be it enacted, that before employing any person requiring a Certificate to XVI. Certificate under the Factory Act as amended by this Act the occupier be obtained the factory shall obtain the surgical anti-God to some the factory shall obtain the surgical anti-God to some the factory shall obtain the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to some the surgical anti-God to urgical factory shall obtain the surgical certificate, save as herein-after excepted, person is of the in keep and be bound to produce every such certificate, when required, employed, and to serve only inspector or sub-inspector; and no surgical certificate shall be valid. and surjuspector or sub-inspector; and no surgical certificate shall be valid for one factory, except for employment at the factory for which it was originally granted, or, or for factories in occupation if granted by a certifying surgeon, at any other factory in the occupation of of the same the same person who is occupier of the factory for which the certificate was employer, if within district originally granted, provided such other factory be in the district of the certify- of certifying ing surgeon who granted the certificate, and the certificate be produced in the factory where the person named in the certificate is at work; and the certify- Surgeon to ing surgeon, as often as he shall visit a factory for the purpose of granting enter date, &c. certificates, shall enter in the register of workers the date of his visit, and the factories ac-

schedule (B.) to this Act annexed. XVII. PROVIDED always, and be it enacted, that no occupier of any factory Surgical cershall be liable to any penalty for employing any person in any manner not contrary to the Other provisions of the Factory Act as amended by this Act, with- with for 7 out a surgical certificate, for any time not exceeding seven working days, or, cases for when the certifying surgeon shall reside more than three miles from the 18 days. actory, for any time not exceeding thirteen working days, provided all Certificate of school attendance. surgical certificates for that factory be granted only by the certifying surgeon ance not to ppointed for that factory; but this enactment shall not be construed to discense with the certificate of school attendance, or to authorize the employment employment of persons to in respect of whom the certifying surgeon shall have refused to be authorized where surgice rant such surgical certificate.

certificate has some, whether plastered or not, and all the passages and staircases of every Lime-washing ctory, which shall not have been painted with oil once at least within seven washing o ears, shall be limewashed once at least within every successive period of the interior ourteen nonths, to date from the period when last whitewashed; and all the of factories. inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap once at least within every successive period of fourteen months, as B.foresaid.

XIX. . no child or young person shall be employed Protection of in any part of a factory in which the wet-spinning of flax, hemp, jute, or tow workers in

Inspector, &c.

other particulars set forth in the form and according to the directions given in form, &c. in schedule (B.)

where surgical

wet-spinning flax mills.

Children or young persons not to clean mill-gearing while in motion, nor to work between fixed and traversing part of self-acting machine while in motion. Machinery to be guarded.

Notice of accidents causing bodily injury

Certifying surgeon to examine into the causes and extent of accidents, and report thereon.

to be given to certifying

surgeon, and by him to

sub-inspector.

Powers of surgeon for purposes of inspection.

Fee of surgeon.

is carried on, unless sufficient means shall be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

XX. AND be it enacted, that no child or young person shall be allowed to clean any part of the mill-gearing in a factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam engine, water-wheel, or other mechanical power.

XXI. And be it enacted, that every fly-wheel directly connected with the steam engine or water-wheel or other mechanical power, whether in the engine house or not, and every part of a steam engine and water-wheel, and every hoist or teagle, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a factory, shall be securely fenced; and every wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam engine, water-wheel, or other mechanical power for any manufacturing process.

XXII. AND be it enacted, that if any accident shall occur in a factory which shall cause any bodily injury to any person employed therein, which shall have been of such a nature as to prevent the person so injured from returning to his work in the factory before nine of the clock of the following morning, the occupier of the factory, or in his absence his principal agent, shall within twenty-four hours of such absence send a notice thereof in writing to the surgeon appointed to grant certificates of age for the district in which the factory is situated, in which notice the place of residence of the person injured, or the place to which he may have been removed, shall be stated; and the surgeon shall send a copy of such notice to the sub-inspector of the district by the first post after the receipt thereof.

XXIII. And be it enacted, that if a certifying surgeon shall receive notice as aforesaid that an accident has occurred which has caused bodily injury to any person employed in a factory for which he has been appointed to grant certificates of age, and that it has been of such a nature as to have prevented the person so injured from returning to his work in the factory the following morning, he shall with the least possible delay proceed to the said factory, and make a full investigation as to the nature and cause of such bodily injury, and shall within the next twenty-four hours send to the inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the inspector of the district shall send to the office of the factory inspectors as soon as conveniently may be; and the certifying surgeon, for the purpose of such investigations only, shall have the same power, authority, and protection as an inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said surgeon shall receive a fee not exceeding ten shillings, or such part thereof, not being less than three shillings, as the inspector of the district may consider a reasonable remuneration to the surgeon for his trouble, which fee shall be paid as other expences incurred under this Act.

XXIV. And be it enacted, that one of her Majesty's principal secretaries of Inspector may state, on the report and recommendation of an inspector, may empower such be empower by secretary to direct one or more actions to be brought in the name and on of state to behalf of the machines of any factory for the manuages behalf of any factory, for the recovery of on behalf of lamages for and on behalf of such person.

AND be it enacted, that any damages which shall be recovered in Application of so directed to be brought shall be paid, as soon after they are recovered. as conveniently may be, to the Person in whose behalf they have eccive covered, or shall be otherwise settled for the use and benefit of the said such manner as shall be accounted of built such manner as shall be approved of by the secretary of state; and Costs of person person of the secretary of state; and person of the defendant, or judgment shall be recovered in case the plaintiff, or the plaintiff shall be person to the plaintiff of the plaintiff. in case the plaintiff, or the plaintiff shall be nonsuited, the defendant shall be nonsuited, the defendant shall the like remedies for his costs against the instant. have the like remedies for his costs against the inspector as he might have had have the plaintiff; and all charges and expences incurred in bringing any Plaintiff's against action, beyond what are recovered from the 15-1-1-1 such action, beyond what are recovered from the defendant, and not otherwise such ided for shall be paid as other action. such ided for, shall be paid as other expences incurred under this Act are to defendant how propaid. be paid.

XXVI. AND be it enacted, that the hours of the work of children and Hours of work . shall be regulated and young by a public clock, or by some other clock open to the public view, to be persons to be regulated by approved of in either case in writing under the hand of the inspector or sub-

inspector of the district. XXVII. And be it enacted, that registers shall be kept in the factory to Registers to which they relate, by the occupier of every factory, according to the forms and directions given in schedule (B.) to this Act annexed; and every inspector according to shall have power to require such occupier to send to him, in such manner as schedule (B.) may be directed in the requisition, any extracts from such registers, and any Extracts and other information with relation to the persons employed in the factory, which other information to be sent may be requisite to facilitate the performance of the duties of such inspector to inspector in any inquiry made under the authority of the Factory Act or of this Act; but no information so sent by the occupier of any factory which is not con- Information tained in the registers, certificates, and other documents required by this Act to be received or kept shall be admissible in evidence in any proceeding in evidence. for the recovery of any penalty; and the registers, certificates, Registers, &c. and other Ocuments required by this Act to be received or kept shall be to inspectors, Produced to the inspector or sub-inspector, on his demanding to &c. when same at any time when the factory is at work.

every factory

to be produced required.

of the Factory

mended by this Act as shall be directed by one of her Majesty's principal · . such abstract of the Factory Act as Such abstract ecretaries of state shall be fixed on a moveable board, and be hung up as amended by this Act as soon as received by the occupier of the factory or his agent in the entrance of shall be dithe factory, and in such other places as the inspector or sub-inspector of the rected by a secretary of district may direct; and notices of the names and addresses of the inspector state, and certain notices and sub-inspector of the district in which the factory is situated, of the name according to and address of the surgeon who grants certificates of age for the factory, of forms, &c. in the clock by which the hours of work in the factory are regulated, of the schedule (C.), to be hung times of beginning and ending daily work of all persons employed in the up in every

factory, and any alteration thereof [1], of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters, and fixed on moveable boards, (each particular notice being signed by the occupier of every factory or his agent,) shall be hung up in the entrance of the factory. where they may be easily read by the persons employed in the factory, and in such other places as the inspector or sub-inspector of the district may direct. and whence they shall not be removed while the factory is at work; and in case any such abstract of the Factory Act as amended by this Act or notice shall become illegible in any part the occupier of the factory shall cause a new copy thereof to be provided and hung up as aforesaid; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered; and every notice required to be hung up shall be in the forms and according to the directions given in the schedule (C.) hereunto annexed. [27]

Children of 8 years of age, with surgical certificates, may be employed in factories. Children under 8 not to be employed. Time of children's work.

IXXIX.b] AND be it enacted, that every child who shall have completed his eighth year, and shall have obtained the surgical certificate required by this Act of having completed his eighth year, may be employed in a factory in the same manner and under the same regulations as children who have completed their ninth year; but no child under eight years of age shall be employed in any factory.

[XXX.b] AND be it enacted, that no child shall be employed in any factory more than six hours and thirty minutes in any one day, save as herein-after excepted, unless the dinner time of the young persons in such factory shall begin at one of the clock, in which case children beginning to work in the morning may work for seven hours in one day; and no child who shall have been employed in a factory before noon of any day shall be employed in the same or any other factory, either for the purpose of recovering lost time or otherwise, after one of the clock in the afternoon of the same day, save in the cases when children may work on alternate days, , as herein-after provided.

How children may be employed 10 hours a day on three alternate days of the week.

Attendance at school required on other days. XXXI. [And be it enacted, that in any factory in which the labour of young persons is restricted to ten hours in any one day it shall be lawful to employ any child ten hours in any one day on three alternate days of every week, provided that such child shall not be employed in any manner in the same or in any other factory on two successive days, Provided always, that by the parent or person having direct benefit from the wages of any child so employed shall cause such child to attend some school for at least five hours between the hours of eight of the clock in the morning and six of the clock in the afternoon of the same day on each week day preceding each day of employment in the factory, unless such preceding day shall be a Saturday, when no school attendance of such child shall be required: Provided

I So much of this Act as requires notice in the form given in the schedule (C.) to this Act of the hours of work of all young persons and females above the age of 18 years employed in the factory to be hung or fixed up in any factory, rep., 13 & 14 Vict. c. 54. s. 2.

Ib Sections 29 and 30, and the parts of section 31 inclosed in brackets, are rep., 37 & 38 Vict. c. 44. s. 21., so far as they relate to factories to which that Act applies.

also, that on Monday in every week after that in which such child began to Certificates of the factory, or any other day appointed for that purpose by the of the district, the occupier of the factory shall obtain a certificate vork in and directions given in the schedule A.) to this shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall not be local to employ and it is shall Dut it shall not be lawful to employ any child in a factory more Notice to be is Act ; hours in any one day, until an sever nt an otice in writing to the inspector of the district of his intention to to employ hours of labour of young persons in the factory to ten hours a day, nd to employ children ten hours a day; and if such occupier of a factory shall cease so to employ children ten hours a day he shall not again this factory many the shall not again child in his factory more than seven hours in any one day until mploy

Bave sent a further notice to the inspector in the manner herein-before

rovided.e. AND be it enacted, that no female above the age of eighteen Women above be employed in any factory save for the same time and in the the age of 18 years to be manner as young persons may be employed in factories; and that any ployed as person who shall be convicted of employing a female above the age of eighteen young persons. years for any longer time or in any other manner shall for every such offence employing be adjudged to pay the same penalty as is provided in the like case for employing a young person contrary to law: Provided always, that nothing herein Provisions as or in the Factory Act contained as to certificates of age shall be taken to apply to certificates to females above the age of eighteen years.

of age not to apply to them. within 6 page of the

[XXXIII.a] And be it enacted, that no time lost by accident or otherwise Provision for in any factory shall be made good or worked up by extension of ordinary hours of labour, save as is herein-after provided; and that in any factory in months time which any part of the machinery is moved by the power of water the time which shall have been lost by stoppages from want of water, or from too much machinery vater, may be recovered in manner following, within six months next after water or from he stoppage, between the hours specified in the Factory Act as those within too much hich time lost by drought or excess of water may be recovered; and in order Employment recover time so lost any child or young person may be employed one hour of children each day proceed than the time to which the ordinary daily labour of children persons for d young persons respectively is restricted by law, except on Saturday; but that purpose. shall not be lawful so to recover any lost time until a notice shall have been be given. to the sub-inspector of the district in which the factory is g the intention so to recover time that has been lost, nor unless annexed ling to the form and directions given in the schedule (C.) to this in such shall have been previously fixed up in the entrance of the factory, a in such ther places as an inspector or sub-inspector may direct; and such kept so fixed up during the whole time while the lost time is course of kept so have an and such notice shall be kept in a book as rected in the said schedule (C.); nor shall lost time be so recovered on two accessive days, unless the amount of time recovered on any one day shall be aserted before nine of the clock in the morning of the following day in the

ast-mentioned notice.

The parts of section 31 inclosed in brackets, and section 33, are rep., 37 & 38 Vict. 44.8.21., so far as they relate to factories to which that Act applies.

I's See note to title of Act.] AOL' IX'

Provision for recovering in the succeeding night time lost by partial stoppages from drought or flood,

Provisions to employment of young persons.

Notices to be given.

[XXXIV.a7 And be it enacted, that in any factory in which any part of the: machinery is moved by the power of water, when the stream is so diminished by drought or swollen by flood during any part of the day that any part of the manufacturing machinery driven by the water-wheel has been stopped by reason of such drought or flood, the young persons who would have been employed at such machinery may recover such lost time during the night next following the said day, unless the said day be Saturday: Provided always, . . . that no young person so employed in the night shall work more than five hours without an entire cessation from work of at least thirty minutes; but it shall not be lawful to recover any such lost time unless a notice according to the form and directions given in the schedule (C.) to this Act annexed shall have been previously fixed up in the entrance of the factory, and in such other places as an inspector or sub-inspector may direct, and unless such notice be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said schedule (C.)

Additional regulations as to meal times.

IXXXVI.a And be it enacted, that the times allowed for meal times as provided by the Factory Act shall be taken between the hours of half past seven in the morning and half past seven in the evening of every day, and one hour thereof at the least shall be given, either the whole at one time or at different times, before three of the clock in the afternoon; and no child or young person shall be employed more than five hours before one of the clock in the afternoon of any day without an interval for meal time of at least thirty minutes; and during any meal time which shall form any part of the hour and a half allowed for meals no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons employed in a factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed in writing by an inspector.

Additional regulations as to holidays.

XXXVII. And be it enacted, that each of the half holidays required by the Factory Act to be given shall comprise not less than one half of the day, and during such time no young person shall be employed in the factory; and that at least four of such half holidays shall be given between the fifteenth day of March and the first day of October in each year to every young person who shall be employed in the factory during the whole of such period; but no cessation from work shall be deemed a half holiday, unless notice of such half holiday, and of the time of such cessation from work, shall have been fixed up on the preceding day in the entrance of the factory, and in any other place that the inspector or sub-inspector may direct; and that in addition to such eight half days no child or young person shall be allowed to work in any factory on Christmas Day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on any day the whole of which is set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory is situated.

Additional days on which children and young persons shall not work.

XXXVIII. And be it enacted, that, save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child

regulations for the at-

[[] Sections 34 and 36 are rep., 37 & 38 Vict. c. 44. s. 21., so far as they relate to factories to which that Act applies.]

child to attend some school on the day tendance of employed in a factory shall cause such after the first employment of such child, and thenceforth on each working day school. of every day, except in the cases herein-after employment, so that on every such during at least three hours after the provided, such child shall attend school hour of the clock in the morning and before the hour of six of the dock in the evening: Provided always, that any child attending school after one of the clock in the afternoon shall not be required to remain in school more than two hours and a half on any one day between the first day of November and the last day of February, and no child shall be required to November of every such child attendance of every such child shall be excused on every day on which such child shall be certified by the shall be certified by the school and divine bolid at the school at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school and divine bolid at the school at the school and divine bolid at the school at the school at the school at the school and divine bolid at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at the school at from attending the school, and during any holiday or half holiday authorized this Act, or by consent in writing of the inspector of the district in which by factory is situated, or, where the school-room is situated within the outer boundary of the factory at which such child is employed, on every day on which the school shall be closed in consequence of the said factory ceasing to be at work during the whole day.

XXXIX. AND be it enacted, that no school master's tickets or vouchers shall Occupier of be required or valid other than is herein-after provided; and that the occupier of every factory in which a child is employed shall on Monday in every week tificate of after the first week in which such child began to work in the factory, or on attendance at any other day appointed for that purpose by an inspector, obtain a certificate school, accordfrom a schoolmaster, according to the form and directions given in the schedule &c. in sche-(A.) to this Act annexed, that such child has attended school as required by dule (A.); this Act during the foregone week; and such occupier shall keep such certificate for six months after the date thereof, and shall produce the same to any inspector or sub-inspector when required during such period, and shall, when required by the inspector for the district, pay to the schoolmaster of such and to pay child, or to such other person as the said inspector may direct, towards the expences of educating such child, such sum as the inspector may require, not exceeding two-pence per week, and shall be entitled to deduct from the wages Deduction from child payable to such child any such sum as he shall have been required to pay for wages for the expenses, not exceeding the rate of one twelfth part of the weekly same. vages of such child: Provided always, that if an inspector, on his personal Inspector ** or on the report of a sub-inspector, shall be of opinion that any may, by notice, annul mployed who grants certificates of the school attendance of children the certificate of any schoolmployed who grants certificates of the school attendance of children of any schoolteach the factory is unfit to instruct children, by reason of his incapacity
aster found teach the a factory is unit to make the from his gross ignorance, or from his not unfit, aving the books and materials necessary to teach them reading and writing, because of his immoral conduct, or of his continued neglect to fill up and ngn the cortificates of school attendance required by this Act, the inspector of the district may annul any certificate granted by such disqualified schoola notice in writing addressed to the occupier of the factory in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such school master to be munit; and after the date of such notice no certificate of school attendance eates thencegranted by such schoolmaster shall be valid for the purposes of this Act, unless not be valid.

Inspector to name some other school.

Appeal by schoolmaster or occupier of factory to secretary of state.

Inspector in his report to state instances of and reasons for annulling certificates.

Occupier of the factory to be liable for offences against this Act in the first instance; but may cause the actual offender to be summoned;

and on proof
of his having
committed the
offence without the knowledge of the
occupier the
penalty may
be imposed
on him.

Actual offender may be summoned in the first instance.

Notice to be given of complaints of employing children or young persons without precautions against wetting or without fencing machinery. Defendant to give notice of intention to with the consent in writing of the inspector of the district; but no inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within two miles of the factory where the children named in the certificate are employed: Provided also, that any schoolmaster whose certificate shall have been annulled, or the occupier of the factory in which the children named in the said certificate are employed on behalf of the schoolmaster, may appeal to the secretary of state against such decisions of the inspector, and the secretary of state may, if he think fit, rescind such decision: Provided also, that every inspector shall in his annual report to the secretary of state for the home department state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.

XLI. And be it enacted, that the occupier of any factory in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any inspector or sub-inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant, or workman whom he shall charge as the actual offender brought by summons before the justices at the time appointed for hearing the complaint made against him by the inspector or sub-inspector; and if after the commission of the offence has been proved the occupier of the factory shall prove, to the satisfaction of the justices, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant, or workman had committed the offence in question without his knowledge, consent, or connivance, the said agent, servant, or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the factory; and the payment of such penalty and costs shall be enforced against the agent, servant, or workman in like manner as penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the satisfaction of the inspector or sub-inspector, at the time of discovering the offence, that the occupier of the factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance, or knowledge of the occupier, and in contravention of his orders, then the inspector or sub-inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the factory.

XLII. And be it enacted, that notice in writing of an intention to prefer a complaint that a child or young person had been employed in a factory in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of the aforesaid machinery, hoist, or teagle, or wheel-race, has not been securely fenced, shall be given four days at least previous to the day fixed for hearing the complaint; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to

the inspector or sub-inspector who shall be the complainant forty-eight hours call skilled previous to the day fixed for hearing the case.

And be it enacted, that if an inspector or sub-inspector shall observe Inspector or in a factory any part of the machinery of any kind or description, or any to give notice of dangerous such factory he shall deem likely to cause of dangerous such factory he shall deem likely to cause of dangerous driving such factory, he shall give notice in such factory, he shall give notice in machinery according to the occupier of such factory or his agent of such part of the form, &c. in part of the shall deem to be dangerous, according and directions given and directions given naching and directions given in schedule (D.) to this Act annexed; and the form of the factory or his small signs and he occupied ment of his by he occupier of the factory, within occupier of the factory, within occupier of the saturation by the occupier of the factory occupier of the factory and the occupier of the factory occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier occupier oc occupier days after he shall have received such notice, two arbitrators skilled in arbitrators fourteen days after he shall have received such notice, two arbitrators skilled in arbitrators four construction of the kind of machinery to which such notice refers shall may be apthe appointed, one of whom shall be named by the occupier of the factory in pointed to be all foresaid application, and the other by the inspector of the district, with machinery. the reast possible delay after he shall have received such application; and the and arbitrators shall proceed to examine the machinery alleged to be dangerous within fourteen days of the appointment of the arbitrator named by the inspector; and if the arbitrators so appointed shall not agree in opinion the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators, or any two of them, shall sign an Notice may opinion in writing addressed to the inspector of the district, that it is unnecessary or impossible to fence the machinery or the control of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of the district of t sary or impossible to fence the machinery, or strap or band, alleged in the machinery need notice to be dangerous, the inspector of the district on receipt of the same shall be fenced. cancel the said notice; and if the decision of the arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous Expences of the expence of such reference shall be paid as other expences under this Act, but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expences of the reference shall be paid by the occupier of the factory, and shall be recoverable as the penalties under this Act are recoverable.

XLIV. AND be it enacted, that all complaints for offences against this Act Complaints to be preshall be preferred within two months next after the commission of the offence, ferred within except in the case of complaints for offences punishable at discretion by fine two, or in ent, or for working on Christmas Day, Good Friday, or the within three fast days, or for not giving all or any of the eight half days for months. colidays required to be given, in each of which cases the complaints may be No extra referred Wired to be given, in each of which cases one continued and penalties for repetition of the offence; and penalties for repetition of person thin three months next after the commission of the offence, and repetition of offence, except to day to day all be liable to a larger amount of penalties for any repetition from offence, except ay to day of the same kind of offence than the highest penalty herein-after after comamed for Of the same kind of offence shall have been comnitted after a complaint shall have been made for the previous offence, and or more or more except also for offences of employing two or more children or young persons children or young persons

contrary to law.

Lear this be it enacted, that all complaints for the enforcement of any penalty have be it enacted, that all complaints for the enforcement of any penalty have been been and determined by two or more justices of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace of the peace acting for the county or other jurisdiction wherein the offence was committed, or for sall of the county or jurisdiction, with the like authority as though the cause of complaint had arisen within such adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than

Proceedings under this had before

five miles from the place where the offence was committed [Rep., 34 & 35 Vict. c. 104. s. 11.];

What shall be sufficient description of occupier in proceedings. Service of summons. LI. And be it enacted, that it shall be sufficient, in any information, complaint, or other proceeding under this Act, to set forth the name of the ostensible occupier or title of the firm by which the occupier employing the workpeople of the factory may be usually known; and the service of any summons, order, or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling house of the person to whom the same shall be addressed, or, in the case of summoning or giving an order or notice to the occupier of a factory or to a schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post directed to the occupier of the factory at the factory, or to the schoolmaster at his school.

Evidence of employment contrary to this Act.

ILII.a And be it enacted, that in any complaint of the employment of any person in a factory otherwise than is allowed by this Act the time of beginning work in the morning which shall be stated in any notice fixed up in the factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the factory; and if any person shall be allowed to enter or be in any factory, except at meal times, or during the stoppage of the whole machinery of the factory, or for the sole purpose of bringing tea or other articles, of food to the workers in a factory, between the hours of four and five of the clock in the afternoon, it shall be evidence, unless the contrary shall be proved, that such person was then employed in that factory; but yards, play grounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory, in which no machinery is used or manufacturing process is carried on, shall not be taken to be any part of the factory, with reference to this enactment.

Yards, &c. belonging to the factory not to be considered as part thereof with reference to this section. Surgical certificates and declarations as to age by certifying surgeons to be prima facie proof of age.

LIII. And be it enacted, that every surgical certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be evidence in the first instance of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing or conniving at the employment of such person otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act a declaration in writing by the certifying surgeon of the district that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence, in the first instance, until the contrary shall be made to appear, that such person is under the age mentioned in such declaration.

Is So much of this Act as enacts that in any complaint of the employment of any person in a factory otherwise than is allowed by this Act the time of beginning work in the morning which shall be stated in any notice fixed up in the factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the factory, rep. 13 & 14 Vict. c. 54. s. 2.

LIV. AND be it enacted, that if any inspector or sub-inspector shall make a On complaint complaint before a justice of the peace that the real age of any person who is that persons employed in a factory without a surgical certificate is less than sixteen, the without cerof the factory in which such Person is employed shall be liable to the ficate are under 16, age to be occupies for employing persons for who in a surgical certificate is required by proved, or proved, or the proper surgical certificate is required by proved, or proved, or the proper surgical certificate is required by proved, or proved, or the proper surgical certificate is required by proved, or proved the proper surgical certificate is required by proved, or proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by proved the proper surgical certificate is required by the proved the proper surgical certificate is required by the proved the proved the proved the proved the proved the benaltzes out the proper surgical certifics to, unless, upon the proceeding for the prove, by an extract from a legal person had completed his sixteenth

rear of age. LV. before a justice of the table that the sub-inspector shall make a On complaint. before a justice of the peace that the real age of any person employed in a factory in a manner contract to law is loss than the result of the peace that the real age of any person employed on played in a factory in a manner contrary to law is less than eighteen, the contrary to law are under the factory in which such person is employed shall save in the proper of the factory in which such person is employed shall, save in the 18, age to be person herein-after excepted be liable to the penalty for applications. berein-after excepted, be liable to the penalty for employing such person, proved, or penalty for employing such person, proved, or penalties in that the said person had completed his gight court have been proved, penalties that the said person had completed his gight court have been person had completed his gight court have been person had completed his gight court have been person had completed his gight court have been person had completed his gight court have been person had completed his gight court have been person had completed his gight court have been person had completed his gight court have been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had completed his gight court had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person had been person ha prove that the said person had completed his eighteenth year.

AND be it enacted, that any person who shall be convicted of having Penalties for employed any person in any manner contrary to the provisions of the Factory children Act as amended by this Act, or for employing a child without having obtained and young a certificate from a schoolmaster where such certificate is required by law, longer than such person not being the parent nor having any direct benefit from the allowed by wages of such child, shall for every such offence be adjudged to pay a penalty of not less than twenty shillings and not more than three pounds for each child or young person so illegally employed: Provided always, that if it shall Penalty for be proved that such offence was committed during the night the penalty shall playment not be less than forty shillings nor more than five pounds.

LVII. AND be it enacted, that the parent and every person having any Penalty on direct benefit from the wages of any child or young person employed in any manner forbidden by the Factory Act as amended by this Act, or who shall children to neglect to cause such child to attend school as herein-before provided, shall be liable to a Denalty of not less than five shillings and not more than twenty this Act, or shillings for each offence, unless it shall appear to the justices before whom the complaint is preferred that such offence has been committed without the them to attend school

such emduring the night. parents, &c. for allowing tend school.

consent, condition ivance, or wilful default of such parent or person so benefited. LVIII. And be it enacted, that the penalty for not lime-washing the walls, Penalty for not limereases, and ceilings or tops of rooms of a factory, within the period washing or this Act, or for not washing, as herein-before provided, the inside otherwise washing the valls and chings or tops of rooms which are painted with oil, shall not be less nterior of the three three three three three the factory han three lings or tops or rooms which are pointed with one, build the factory. enalty for more than ten pound, and the occupier shall allow any of the said valls, passages, staircases, or ceilings or tops of rooms to remain without being TTY A or washed as aforesaid, after being convicted of this offence.

LIX. AND be it enacted, that the penalty for not fencing the several parts of Penalty for not fencing the machinery, hoist or teagle, and wheel-race, required by this Act to be fenced, machinery. shall not be less than five pounds and not more than twenty pounds.

LX AND be it enacted, that if any person shall suffer any bodily injury in Penalty for injury cause consequence of the occupier of a factory having neglected to fence any part of by not fencing the machinery, or any hoist or teagle, or any wheel-race, required by this Act dangerous to be securely fenced, or having neglected to fence any part of the machinery, after notice.

Penalty or part thereof may be applied for benefit of person injured. Proviso if notice to fence has been cancelled, or proceeding for not fencing has been heard and dismissed before any injury is inflicted.

Penalty for obstructing inspectors or sub-inspectors.

Penalty for obstructing inspectors or sub-inspectors in the night.

Offences as to falsifying certificates, registers, &c. shall be punishable by fine or imprisonment.

Penalty for offences not otherwise specified.

Penalty in case of second and subsequent convictions.

What shall not be considered as a second or subsequent offence. or any driving strap or band, in the factory, of which he shall have received notice in writing from an inspector or sub-inspector, as herein-before provided, that the same was deemed to be dangerous, the occupier of such factory shall pay a penalty not less than ten pounds and not more than one hundred pounds; and the whole or any part of such penalty may be applied for the benefit of the injured person, or otherwise as the secretary of state shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, that the occupier of the factory shall not be liable to any such penalty if the notice which he shall have received from an inspector or sub-inspector shall have been cancelled as herein-before provided, or that in any proceeding against an occupier of a factory for not securely fencing that part of the machinery, hoist, teagle, or wheel-race by which such bodily injury was inflicted the complaint shall have been heard and dismissed previous to the time when such bodily injury was inflicted.

LXI. AND be it enacted, that every person convicted of wilfully obstructing an inspector or sub-inspector in the execution of any of the powers intrusted to him by the Factory Act as amended by this Act shall be liable for each offence to a penalty not less than three pounds and not more than ten pounds.

LXII. AND be it enacted, that every occupier of a factory in which an inspector or sub-inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the factory, and of every person employed therein, shall be liable to a penalty not less than twenty pounds and not more than fifty pounds.

LXIII. AND be it enacted, that every person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any certificate authorized or required by the Factory Act or by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited certificate, or any false entry in any register, or any other account, paper, or notice required by this Act, and also every person convicted of wilfully making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty not less than five pounds and not more than twenty pounds, or to be imprisoned for any time not more than six months in the house of correction in the county, town, or place where the offence was committed.

LXIV. And be it enacted, that the penalty for any offence against the Factory Act as amended by this Act for which no specific penalty is herein-before provided shall be any sum not less than two pounds and not more than five pounds.

LXV. And be it enacted, that every person who shall be convicted twice within twelve months for an offence of the same kind against the Factory Act as amended by this Act shall pay for his second offence any sum not less than one half of the highest penalty for that offence, and if convicted three times within twelve months for an offence of the same kind he shall pay not less than two thirds of the highest penalty, and if convicted more than three times within twenty-four months for an offence of the same kind he shall pay the highest penalty; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offences shall have been committed after a complaint has been made for the previous offences; and in any case in which

a person shall be convicted at any one time for offences against the Factory the penalties amount in the whole to Act as a mended by this Act, so that more than one hundred pounds, the sum of one hundred pounds, together with 100% and costs more the sonable costs and charges of the offences committed to a second the events, be be paid imatead of the penalties for all the offences committed by him before paid in lieu taken out against him.

of penalties for

JXVII. And be it enacted, that whenever any person shall be convicted How former of any of ere such conviction shall have been filed shall upon the result in may be of any peace been filed shall, upon the request in proved. peace of any inspector or sub-inspector, deliver or cause to be delivered to writing copy of the conviction, certified under his hand to be a true copy; and him a copy shall be received. him such copy shall be received as evidence of such conviction upon any every proceeding under this Act; and for every such copy the clerk shall be futured to have a fee of one shilling to entitled to have a fee of one shilling, and no more.

AND be it enacted, that no appeal shall be allowed against any No appeal conviction under this Act, except for an offence punishable at discretion by victions, exfine or imprisonment, or when the penalty awarded shall be more than three cept in certain pounds; neither shall any conviction, except as aforesaid, be removeable by No conviction certiorari or bill of advocation into any court whatever; and no information, removeable by conviction, or other proceeding on any complaint for an offence against this Informations, Act shall be quashed or deemed illegal for matter of form, or for the want of &c. not to be any averment unnecessary to be proved, or the omission of any word, or for quashed for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time, and place intended shall have been so stated as to have been, in the opinion of the justices by whom the complaint shall have been heard, clearly understood by the person charged with such offence; and it shall not be necessary, in any information, conviction, Or other proceeding under this Act, to define the processes carried on in such factory, or nature of the power by which the machinery of such factory is oved, or to set out that the factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such factory is a factory within this Act; and the proof of being such excepted case shall lie upon the party claiming the benefit of such exception. LXX

ND be it enacted, that any person aggrieved by any such conviction Appeal to for which appeal is allowed by this Act may appeal to the next court of quarter sessions. general or appear is another in the sessions which shall be holden not less than twelve days after the quarter sessions wanted the country or other jurisdiction wherein the cause of complaint shall have arisen; provided that the person so intending to appeal shall give to the inspector or sub-inspector of the district notice in writing of such appeal, and of the cause or matter thereof, within three days after the conviction or order, and seven clear days at the least before such session, and shall also enter into a recognizance, with two sufficient sureties, before a justice of the peace for the county or other jurisdiction, seven clear days at the least before such session, conditioned personally to appear at the said session, and to try such appeal, and to abide the judgment of the court

thereon, and to pay such costs as shall be by the court awarded; and the court at such session shall hear and determine the matter of appeal, and shall make such order thereon as to the court shall seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction or order the court shall adjudge and order the party to be punished according to the conviction or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

LXXI. AND be it enacted, that in all cases in which a justice of the peace is required or empowered to do any thing under the Factory Act as amended by this Act, or is named therein, a burgh magistrate shall have within his jurisdiction the same powers and duties as are herein given to such justice, and shall exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a factory shall be heard by a justice of the peace or burgh magistrate, being an occupier of the factory, or being the father, son, or brother of the occupier of the factory, in which the offence set forth in the complaint shall have been committed.

LXXII. Provided always, and be it enacted, that any child above eleven years of age employed solely in the winding and throwing of raw silk, and who shall have obtained the surgical certificate required by this Act of his having completed his eleventh year, may work, without any proof of having attended a school, for any time not exceeding ten hours on any working day, but not after half past four of the clock of the afternoon of any Saturday. [a]

LXXIII. AND be it enacted, that the Factory Act as amended by this Act, and this Act, shall be construed together as one Act, and that so much of the Factory Act, and of any rule or regulation heretofore made by any inspector, as is inconsistent with this Act, shall be taken to be repealed; and that in this Act, unless another sense shall be plainly shown by the context, or by some positive enactment to the contrary, the word "child" shall be taken to mean a child under the age of thirteen years; and the words "young person" shall be taken to mean a person of the age of thirteen years and under the age of eighteen years; and the word "parent" shall be taken to mean parent, guardian, or person having the legal custody of any such child or young person; and any person who shall work in any factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases herein-after excepted, shall be deemed, notwithstanding any other description, limitation, or exception of employment in the Factory Act, to be employed therein within the meaning of this Act; and the words "inspector" and "sub-inspector" shall be taken to mean respectively an inspector and a sub-inspector of factories; and the word "agent" shall be taken to mean any person having on behalf of the occupier of any factory the care or direction thereof or of any part thereof, or of any person employed therein; and the word "month" shall be taken to mean a

Burgh magistrates in Scotland to exercise the powers of justices. Justices and burgh magistrates disqualified to act in certain cases.

Employment of children in silk factories.

Act to be construed with 8 & 4 Will. 4. c. 103.

Meaning of "child." "Young person."

"Parent."

Employment.

"Inspector" and "subinspector."

" Agent."

" Month."

I Section 72 is rep., 13 & 14 Vict. c. 54. s. 7.; and see 37 & 38 Vict. c. 44. s. 14., which contains the following enactment:

[&]quot;The enactments of the Factory Act, 1850, or any previous Act, which authorise the employment of any child in the silk manufacture during longer hours than those authorised in the case of a child in any other factory to which this Act applies, shall be repealed as from the commencement of this Act.

calendar month; and the words "mill-gearing" shall be taken to comprehend "Mill-gearevery shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any pulley pertaining to the manufacturing processes; and the word "factory," machine and provision or exemption in the Factory Act, shall be taken notwite Buildings and premises situated within any part of the United to measure of Great Britain and Ireland wherein or within the close or curtilage Kingachanical power shall be used to move of which steam, water, or any other mechanical power shall be used to move of work process incident to the manufacture of containing or finishing, or wor process incident to the manufacture of, cotton, wool, hair, silk, flax, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any hemp, the rial or any fabric made thereof; and any room situated within the other mate or boundary of any fabric made thereof. other any room situated within the outward gate or boundary of any factory wherein children or young persons outward in any process incident to the manufacture carried on in the are shall be taken to be a part of the factory. factory shall be taken to be a part of the factory, although it may not contain factory may be taken to be a factory any in the meaning of this Act. but it is a second any part of such factory may be taken to be a factory the meaning of this Act; but this enactment shall not extend to any part of such factory used solely for the purposes of a dwelling house, nor to shall not any part used solely for the manufacture of goods made entirely of any other include. material than those herein enumerated, nor to any factory or part of a factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing, or calendering; and the enactments of this Act labour not respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a factory not employed in used for any manufacturing process, or for any labour incident to any manu- packing finished goods. facturing process; and nothing in this Act contained shall extend to any Exception young person, being a mechanic, artisan, or labourer, working only in making young persons and reparing the machinery or any part of the factory.

"Factory."

Regulation working as mechanics, &c. in repair of machinery, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

CERTIFICATES.

(To be written or printed on white paper.) Factories Regulation Act. Victoria, c.

CERTIFICATE of age for a child to be employed in the factory of , situated at

ereby certify, that , duly appointed a certifying surgeon, do , son [or daughter] of

, residing in , has been personally examined by me this day of one thousand eight hundred and , and that the said child has the ordinary strength and appearance of a child of at least eight years of age, and that I believe the real age of the said child to be at least eight years; and that the said child is not. incapacitated, by disease or bodily infirmity, from working daily in the above-

named factory for the time allowed by this Act. (Signed)

Certifying Surgeon.

The form of surgical certificate to be given to a child who has obtained a certificate of real age shall be the same as above, omitting the words, "and "that the said child has the ordinary strength and appearance of a child of at "least eight years of age, and that I believe the real age of the said child to be at least eight years," and substituting these words in their place: "and that a certificate of the birth [or baptism] of the said child has been produced to me in the form required by this Act, proving that the real age of such child is at least eight years."

The form of surgical certificate to be given to children employed in silk mills in proof that a child is eleven years of age shall be the same as the above, substituting the word "eleven" for the word "eight."

(To be written or printed on coloured paper.)

Factories Regulation Act,

Victoria, c.

No.——. CERTIFICATE of age for a young person to be employed in the factory of , situated at , in .

I, , of , duly appointed a certifying surgeon, do hereby certify, that , son [or daughter] of and , residing in , has been personally examined by me this day of one thousand eight hundred and , and that the said young person has the ordinary strength and appearance of a young person of at least thirteen years of age, and that I believe the real age of the said young person to be at least thirteen years; and that the said young person is not incapacitated, by disease or bodily infirmity, from working daily in the above-named factory for the time allowed by this Act.

(Signed)

Certifying Surgeon.

The form of surgical certificate to be given to a young person who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said young person has the ordinary strength and appear ance of a young person of at least thirteen years of age, and that I believe the real age of the said young person to be at least thirteen years," and substituting these words in their place, "and that a certificate of the birth [or baptism] of the said young person has been produced to me in the form required by this Act, proving that the real age of such young person is at "least thirteen years."

The form of surgical certificate to be given in either case by any practitioner who is not a certifying surgeon must be the same as the corresponding form above given, omitting the words "duly appointed a certifying surgeon," and substituting the words "duly authorized by the university [or college, or "other public body having authority in that behalf] of

" to practise surgery [or medicine]," and making the following addition, which must be signed by a justice of the peace or burgh magistrate:—

The child [or young person] named in the above-written certificate has been this day brought before me; and the appearance of the said child [or young person] agrees with the description therein given; and I believe the real age of the said child [or young person] to be at least [here insert the word

eight" or "eleven" in the case of a child, or thirteen" in the case of a young person,] years; and I declare that I have no beneficial interest in and not the occupier of any factory, and that I am not the father, son, or Prother of the occupier of any factory.

Dated this

day of

one thousand eight hundred

and

(Signed)

C.D., Justice, [or Burgh Magistrate.]

In every surgical certificate of age the day of the month on which it shall

e granted shall be written in words, and not in figures.

So soon as any certificates authorized by this Act to be received as proof of ne age of any persons shall be obtained by the occupier of a factory or his gent, they shall be fixed in a book, to be called "the age certificate book," the order of the dates at which they shall have been respectively received; nd such certificates shall be numbered in the order in which they are so fixed the book; but the certificates for children shall be kept in a separate and istinct place in the said book, or in a separate book, and shall be marked ith a series of running numbers distinct from that of the certificates for oung persons.

So soon as any certificate of age authorized by this Act shall be obtained he number herein-before required to be set against each certificate shall be et against the name of the child or young person for whom such certificate as been granted, in the first column of the register of the persons employed equired by this Act to be kept in each factory. In any silk factory in which shall be lawful to employ children above eleven years of age for ten hours day no certificate shall be required in proof that such children have attained ne age of thirteen years, so long as such persons shall not work more than en hours in any one day.

If a surgeon shall have refused to grant a certificate of age to any child or oung person, the word "refused" shall be written in the column of the gister where the numbers of the certificates are required to be inserted.

Factories Regulation Act,

Victoria, c.

CERTIFICATE REFUSED.

, of , duly appointed a certifying surgeon, hereby declare, that ni Z^{aibi} , son [or daughter] of , has been personally examined by me this one thousand eight hundred and , and that in Opinion the said [child or young person] has not the ordinary strength appearance [of a child of at least eight years of age (or of a young of at least thirteen years of age) or (or and) is incapacitated by disease bodily infirmity from working daily in a factory for the time allowed by Act.]

(Signed) Certifying Surgeon. N.B.—The words within brackets shall be in the handwriting of the certifying surgeon, who shall insert the reason of lais refusal, to be either on account of deficient age or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c. SCHOOL CERTIFICATE.

I HEREBY certify, that the under-mentioned child [or children], employed in the factory of , situated in , has [or have] attended the school kept by me at for the number of hours and at the time on each day specified in the columns opposite to his [her or their] name [or names] during the week ending on Saturday the day of one thousand eight hundred and , and that the causes of absence stated are true, to the best of my belief.

	Mon	day.	Tue	day.	Wedn	esday.	Thur	eday.	Friday.		
Name of child.	Ti	me.	Time.		Time.		Time.		Time.		Causes of absence.
	From	То	From	To	From	То	From	То	From	То	
		•									
,						٠					
				•							
,											
	<u> </u>		limad		l!		ah a alm		Γ Q		nietnos

(Signed)

the

Schoolmaster [or Schoolmistress].
day of 18

Under the column headed "time" the periods of the day that each child attends school shall be stated, as thus, from nine to twelve, or from two to five, or any other time, as the case may be; and all the children employed in the same factory who attend school before one of the clock in the afternoon shall be entered together, distinct from those who attend school after one of the clock.

The time when each child attends school shall be stated in the column for each day, in the handwriting of the schoolmaster; and no certificate shall be valid unless the schoolmaster shall, in his own handwriting, subscribe to it his christian and surname in full.

In the case of any child who has been absent from school, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed "causes of absence," so far as the same can be ascertained; and when any day has been a holiday at the school the word "holiday" shall be entered in the column of the day.

All school certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "the school certificate book," in the order of their respective dates. Copies of the above forms may be bound together in a book for each factory.

SCHEDULE (B.) REGISTERS.

Form for the Register of Young Persons.

List of Young Persons employed in this Factory.

						1	
No. of reference to Age Certificate Book, as required	NA	MES.	l of he	ite of first ing emplo e-employo	AGC	When any person ceases to be employed insert opposite the name the word "Left"; and when any person	
in Schedule (A).	Surname.	Christian Name,	Month.	Day.	Year.	completes his eighteenth year of age, the word "Eighteen."	
						•	
						-	
	-						
			- 1	1			

This register shall contain the names of every young person employed in the actory, to be entered successively when engaged to work, whether for the first ime, or, after having left, when re-engaged to work.

At the beginning of this register shall be inserted—

1. The name of the occupier or firm.

2. The name of the factory, the place, township, parish, and county where is situated, and the post office to which the occupier desires his letters to be irected.

3. The nature of the work carried on.

4. The nature of the moving power, the whole amount of horse power of the steam engine or water-wheel, and also the amount of horse power employed the occupier or firm.

5. The clock by which the employment of the workers in the factory is culated.

Every alteration in any of the above particulars shall be inserted immediately after the alteration shall have been made.

The holidays and half holidays which shall have been given in conformity this Act shall be recorded together in a distinct place in this register. The dates when the whole of the factory, if done at one time, and the parts if done at different times, shall have been limewashed or painted in and, when painted in oil, the dates of their having been washed as lived by this Act, and the names and residences of the persons by whom the ctory was limewashed or painted in oil, shall be recorded in a distinct

in this register within six days after they have been so limewashed, ted, or washed; and this declaration of the times of limewashing, painting, washing shall be signed by the mill occupier or his principal agent.

8. The visits of the certifying surgeon to the factory shall be recorded in this register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon		
	•	+			
,					

^{*} If the surgeon shall be told that there is no child or young person in the factory to be examined at the time of his visit, he shall insert in this column the word "none."

† If none be granted, he shall insert the word "none."

FORM for the Register of Children.

To be kept in those Factories only where Children under Thirteen Years of Age are employed.

Names of the Children employed in this Factory before Twelve o'Clock at Noon, or the Morning Set.

No. of reference to Age Certificate Book,	NA	aes.	em	of first of aployme employ	nt	When any child ceases to be employed, insert opposite its name the word "Left"; or if transferred to the Afternoon Set, the word "Changed";	
as required in Schedule (A.)	Surname.	Christian Name,	Month.	Day.	Year.	or the words "Young Person," when a child completes its thirteenth year.	
		•	-				
		•	ŕ	•	•		
	,	,					

Names of the Children employed in this Factory after One o'Clock in the Afternoon, or the Afternoon Set.

No. of reference to Age Certificate Book,	ŅĄĮ	ies.	Date of first day of employment or re-employment.		nt	When any child ceases to be employed, insert opposite its name the word "Left"; or if transferred to the Morning Set, the word "Changed";
as required in Schedule (A.)	Surname.	Christian Name.	Month.	Day.	Year.	or the words "Young Person", when a child completes its thirteenth year.
	-					
				٠		•
-						

This register shallcontain the names of every child under thirteen years of age employed in the factory, to be entered successively when engaged to work, whether for the first time, or, after having left, when re-engaged to work.

If any child be removed from the morning set to the afternoon set, or vice versi, the name of such child must be entered as a new comer in the register for the set to which it is removed, and the number of its certificate of age nust be placed against its name, but no new certificate shall be required for uch child.

If the mill occupier desires to change the time of working of the two entire ots of children at stated periods, (as for instance) to make a change every onth, so that the children who worked in the morning one month shall work the afternoon the next month, and vice versa for the other children, alterto enter the names of the ildren anew, but the mill occupier or his agent ake and sign the following declaration, in addition to the other details rein-before required:—

1. The children entered in this register as belonging to the morning set work in this factory before twelve o'clock, and not after one o'clock,

on and after the first Monday of the months of

January, March, May, July, September, and November; and after one o'clock, and not before twelve o'clock, on and after the first Monday of the months of-

February, April, June, August, October, and December.

2. The children entered in this register as belonging to the afternoon set work in this factory after one o'clock, and not before twelve o'clock, on and after the first Monday of the months of

January, March, May, July, September, and November; and before twelve o'clock, and not after one o'clock, on and after the first Monday of the months of-

February, April, June, August, October, and December.

Signature of

_Occupier or agent.

When a change in the time of working of the two entire sets of children is de at other stated periods allowed by this Act the necessary alterations ll be made in the above declaration, to the satisfaction of the inspector or -inspector of the district.

a any silk factory in which children above eleven years of age are employed than seven hours in any one day a register of the names of such children be kept in the above form, distinct from the register of the names of the who are employed in morning and afternoon sets.

mills where more than twenty children or young persons are employed habetical index shall be kept, according to the first letter of the surname, names of all the children and young persons employed in the factory, to each name the number of the last certificate under which the age of or young person is employed, or, if more than sixteen years of age, te_{rs} xvi.

the forms contained in this schedule (B.) which shall apply to any lar factory may be bound together in one book, except the alpha betical reference herein-before referred to.

SCHEDULE (C.)

Notices to be fixed up in the Factory.

FORM for the Notice to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for regulating the Factory, and the Hours of Work of all young Persons and Females employed in the Factory. [4]

Name and address of the in-	·
spector of the district }	
Name and address of the sub-	
inspector of the district -	
Name and address of the sur-	
geon who grants certificates	
of age for the factory	
Clock by which the hours of	
work are regulated	

FORM for the Notice to be fixed up of the Times allowed for Meals.

The Times allowed for Meals in this Factory.

T) 4.3 TT 1	Brea	kfast.	Din	ner.	Tea.	
Days of the Week.	From	То	From	То	From	To
•						

* In this space the days to which the meal hours refer shall be entered.

Signature of the occupier of the factory or his agent.

These notices of the regular hours of work fixed up in a factory are not required to be altered when young persons are only employed at other hours for the recovery of lost time as authorized by this Act, provided the notice required to be fixed up when recovering lost time be fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

FORM of the Notice to be fixed up when the Occupier of the Factory intends to recover all or any Part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

			Accou	nt of Ti	me los	t and I	ecovered	•		
TIME LOST.					TIME RECOVERED.					
Date.	Cause of loss.	Time of day when lost.	Amount lost.		Explanatory remarks.	Date.	Time of day when recovered	Amount recovered.		Explanatory remarks.
•			Hours.	Minutes.				Hours.	Minutes.	

Signature of the occupier of the factory or his agent.

No lost time is required to be entered except such as it may be intended to cover.

The entries of all the details in this notice relating to any time lost or covered shall be made in conformity with the provisions in the Act.

or the Notice to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

	TIME	ered.	RECOVE	DED				
cription of com where stoppage place, and machinery opped.	Time	Amount of time lost.		Signature of the person taking time.	Time of the night	Amount		
		Hours.	Minutes.			Hours.	Minutes	

NAMES of the Females and young Persons who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when time Surname. was lost.		Christian Name.	Date when time was lost.	Surname.	Christian Name.		
	-						
	;						

The entries of time lost, and of the names of the females and young persons who have lost time, shall be made in these notices before any part of the time can be recovered.

All notices of time lost and recovered, except when they are kept hung up in the factory, as required by this Act, shall be preserved in a book in the order of their respective dates, and be open for the examination of any inspector or sub-inspector; and all such notices shall be kept for six calendar months after the lost time entered therein shall have been recovered.

CHAPTER XVII.

An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the West Indies.

[6th June 1844.]

[X] HEREAS by an Act passed in the session of the second and third years of the reign of his late Majesty King William the Fourth, intituled " An Act for enabling his Majesty to direct the issue of Exchequer bills to a " limited amount, for the purposes and in the manner therein mentioned; and " for giving relief to Trinidad, British Guiana, and St. Lucie," it was (amongst other things) enacted, that it should be lawful for the commissioners thereby appointed, or other the commissioners for the time being acting in the execution of the said Act, or any three of them, to advance and lend Exchequer bills to the amount and in the proportions therein specified to the owners of and persons interested in estates which had suffered injuries from the causes therein mentioned in the islands of Jamaica, Barbadoes, Saint Vincent, and Saint Lucie, and that the said commissioners, or any three of them, as therein mentioned, should take such security or securities as therein mentioned for the repayment of any advances or loans to be made under the said Act within ten years from the time of such advances respectively, with interest for the same in the mean time after the rate of four pounds per centum per annum, with power to the said commissioners, in default of repayment of such loans or advances, to take

2 & 8 Will. 4. c. 125. Possession of any of the mortgaged premises, and to sell or mortgage the same

as therein mentioned; and it was enacted that all mortgages and other securities to be made in pursuance of the said Act should have such priority as therein is mentioned: And whereas by an Act passed in the session of the fifth and sixth years of the reign of his said Majesty King William the Fourth, ntituled "An Act for granting relief to the Island of Dominica; and to amend 5 & 6 Will. 4. an Act of the second and third years of his present Majesty, for enabling his Majesty to direct the issue of Exchequer bills to a limited amount for the purposes therein mentioned," it was (amongst other things) enacted, that it hould be lawful for the commissioners acting in the execution of the said ecited Act to advance Exchequer bills to a certain armount to the owners of and ersons interested in the property in the said Island of Dominica which had affered injury as therein mentioned, and that such a dvances should be made in ne same manner in all respects as was provided by the said recited Act with gard to the advances thereby authorized to be made: And whereas by an ct passed in the session of the third and fourth years of the reign of her resent Majesty, intituled "An Act to amend two Acts of his late Majesty 3 & 4 Vict. King William the Fourth, for the relief of certain of her Majesty's colonies and plantations in the West Indies," it was (amongst other things) enacted, nat it should be lawful for the commissioners for the time being acting in the secution of the said therein and herein-before recited Acts, or any three of nem, with the consent in writing of the lord high treasurer for the time being, any three or more of the commissioners of her Majesty's Treasury of the nited Kingdom of Great Britain and Ireland for the time being, upon any plication made to them at any time before the passing of the said Act, or on any application thereafter to be made to them, to grant any extension or largement of the time limited for the repayment of any loan or advance nich should have been or should be made under the provisions or authority the therein-before recited Acts, or any part of such loan or advance, for any riod not exceeding ten years from the day originally fixed for the repayment ereof or the last instalment thereof, together with interest for the same as the said Act now in recital is provided, and so that every such extension of ne should be made on the conditions in the said Act now in recital specified; it was by the said Act provided, that every such application should be de not less than one year before such time or times so limited for the yment of such loans should arrive: And whereas it is expedient that the ers of granting such extension of time should be altered, and that the said nissioners should be enabled to make such transfers of the securities made rsuance of the said Acts, and the monies thereby secured, in manner after ioned: Be it therefore enacted by the Queen's most excellent Majesty, Commissioners enabled, at any with the advice and consent of the lords spiritual and temporal, mons, in this present Parliament assembled, and by the authority of to grant exten-. that henceforth it shall and may be lawful e said commissioners acting in the execution of the said recited Acts, or of loans under recited Acts, ee of them, with such consent and in all respects whatsoever as by the astly herein-before recited Act is provided, to grant such extension of Or the repayment of such loans as aforesaid in all respects as is by the et provided, and under and subject to the conditions in the said last-Act specified, except that any such extension of time may be granted

Grants of extension of time, &c. need not be recorded.

II. AND be it enacted, that it shall not be necessary to record, register, or enrol, in any colonial registry or elsewhere, any such grant or extension of time, or any power of sale or covenant to be entered into on the granting such extension, which may already have been made or may hereafter be made in pursuance of the said recited Acts or of this Act; but that every such grant of extension, and other instrument, power of sale, or covenant, shall in all respects have the same effect as if the same respectively had been duly registered, recorded, or enrolled on the day of the date thereof, in pursuance of any law or provision for the registering, recording, or enrolling of instruments which may be subsisting in the island or colony wherein the hereditaments to which such instruments may relate are situate.

Commissioners may transfer securities, &c.

III. AND be it enacted, that it shall be lawful for the said commissioners acting in the execution of the said recited Acts, or any three of them, to make any transfer of any sum or sums of money secured to or owing to her Majesty under or by virtue of any security made in pursuance of the said recited Acts respectively, and either before or after such sums shall be actually due, and any interest thereon which may be due, and to convey and assure the securities for the same unto or in trust for any person or persons who shall pay and discharge all principal monies due or secured by such mortgage security as aforesaid, and the interest thereon, such principal monies and interest to be paid into the Bank of England, and in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of the said Act; and upon any such transfer and disposition so to be made as aforesaid the person or persons to whom such transfer or disposition shall be made, his, her, or their heirs, executors, administrators, and assigns respectively, shall have in all respects such and the same priorities, privileges, powers, and securities as by the said recited Acts or any of them are given to her Majesty or the said commissioners, or any of them, or which her said Majesty, her heirs or successors, or the said commissioners acting in execution of the said recited Acts, would have had in case no such transfer had been made.

Conveyances, &c. may be made by three commissioners or their attorney, and shall have the same effect as if executed by her Majesty.

IV. And be it enacted, that every conveyance, transfer, and assignment authorized by this Act may be made and executed by the commissioners for the time being acting in the execution of the said recited Acts, or by any three of them, or by any attorney or attornies by them or any three of them appointed for that purpose by deed under their hands and seals; and every such conveyance, transfer, or assignment so made and executed shall have the same effect to all intents and purposes as if made and executed by her said Majesty, her heirs or successors.

CHAPTER XVIII.

AN ACT to remove Doubts as to the Power of sppointing, convening, and confirming the Sentences of Courts-martial in the East Indies.

[6th June 1844.]

HEREAS doubts have arisen as to the proper authority by which, in certain cases, courts-martial may be appointed and convened, and the entences thereof confirmed, in the East Indies and elsewhere; and it is aportant to the maintenance of good order and military discipline that such oubts should be removed: Be it therefore enacted by the Queen's most Any officer collent Majesty, by and with the advice and consent of the lords spiritual who may have now nd temporal, and commons, in this present Parliament assembled, and by convene or e authority of the same, that, any law, custom, usage, statute, regulations, confirm sentences of ticles of war, or warrant to the contrary notwithstanding, any general or courts-martial her officer who may from time to time have power to appoint or convene for trial of offences eit neral or district or other courts-martial for the trial of offences committed committed any of the officers or soldiers in the service of her Majesty, or by any of by the Queen's e officers, soldiers, or followers in the service of the East India Company, the East India t being natives of the East Indies or other places within the limits of the troops, not id company's charter, or by any of the officers, soldiers, or followers in the being natives rvice of the said company, being natives of the East Indies or other places Indies or ithin the limits aforesaid, shall, without any further or other authority or places within arrant, have power and authority to appoint or converce general or district charter, or by other courts-martial (as the case may be) to be holden for the trial of Company's fences committed by any officer, soldier, or follower in any of the said natives of such rvices who may be under the actual command or who may be or come places, may thin the local limits of the command of such general or other officer, confirm senthough the power of such officer as to appointing or convening courtsartial might but for this Act extend to one or more of the said services for trial of ly, or to some only of the forces belonging to any one or more of such mitted by any vices; and that in like manner any general or other officer who may from troops under ne to time have power to confirm sentences of general or district or other command or irts-martial for the trial of offences committed by any of the officers or within the diers in the service of her Majesty, or by any of the officers, soldiers, or his command, lowers in the service of the East India Company, not being natives as although but for this Act resaid, or by any of the officers, soldiers, or followers in the service of the his powers t India Company, being such natives as aforesaid, shall, without any would not have extended to her or other authority or warrant, have power and authority to confirm such troops. onces of general or district or other courts-martial (as the case may be) held he trial of any officer or soldier or follower in any of the said services may be under the actual command or who may be or come within the limits of the command of such general or other officer, although the of such officer, as to confirming the sentences of courts-martial, might this Act extend to one or more of the said services only, or to some the forces belonging to any one or more of such services.

have power to the company's

And be it enacted, that the said several powers may be exercised as Such powers aid to whichsoever of the presidencies of Fort William, Fort Saint may be exercised e, or Bombay the offender may belong, or whether the general or other wheresoever Appointing or convening the court-martial, or confirming the sentence, may be serving the officer commanding in chief in India, or at the presidency to which or the offence

may have been committed. the offender may belong, or at any other presidency, or may hold his command or his power to appoint, convene, or confirm the sentences of courts-martial from or under the officer commanding in chief in India, or at the presidency to which the offender may belong, or at any other presidency, or may hold such command or power from or under any other authority whatsoever, or whether the offence shall have been committed before or after the officer appointing or convening the court or confirming the sentence shall have taken the command, or before or after the offender shall have been under the command of such officer, or before or after the offender shall have been or shall have come within the local limits of the command of such officer, or wheresoever, whether within the presidency to which the offender may belong, or within any other presidency, possessions, or territories under the government of the said company, or on the high seas, or elsewhere, the offender may be serving, or the offence shall have been committed, or the court-martial shall be appointed, convened, or held.

Her Majesty may authorize commanderin-chief and general commanding in each presidency to delegate power of confirming sentences of general courtsmartial.

III. And be it enacted, that, any articles of war or usage to the contrary notwithstanding, her Majesty may grant warrants under her sign manual severally empowering the officer commanding in chief the forces in India, and the general or other officer commanding the forces at each or any of the presidences of Fort William, Fort Saint George, and Bombay for the time being, to authorize any general or other officer not below the rank of a field officer, having the command of any body of the troops of her Majesty or of the said company serving in the possessions or territories which are or may be under the government of the said company or elsewhere, to confirm the sentences of general courts-martial which shall be holden for the trial of offences committed by any officer, soldier, or follower of or belonging to such troops; and the officer commanding in chief the forces in India, or the general or other officer commanding the forces at any of the said presidencies, being so empowered, may authorize any such general or other officer to confirm such classes of sentences only, or sentences passed for such classes of offences only, or on such classes of persons only, as he may think fit, reserving to himself the power of confirming sentences in all such cases as such general or other officer may not be authorized to confirm, or may think fit to send for the decision of such officer commanding in chief the forces in India, or of such officer commanding the forces at one of the said presidencies.

In what cases confirmation of officers commanding in presidency to which offender belongs may be dispensed with. IV. And be it enacted, that when, by any Act of Parliament or articles of war, the sentence of a court-martial is not to be carried into execution until confirmed by the general or other officer commanding in chief at the presidency in the territories subordinate to which the offender shall have been tried, with the concurrence of the governor general in council, or governor in council, or governor of such presidency, it shall not be necessary, in any such case, that a sentence so confirmed, with such concurrence, should, in addition, be reported to or approved or confirmed by the general or other officer commanding in chief the forces of the presidency to which the offender may belong; and the officer confirming the sentence, with such concurrence, and in all other cases the officer authorized under the provisions in this Act contained to confirm the sentence of any court-martial, shall have power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

Confirmation required of sentences of

V. And be it enacted, that nothing in this Act contained shall empower any person not otherwise duly authorized in that behalf to confirm any

sentence of death, transportation, or cashiering on any commissioned officer death, &c. employed upon her Majesty's staff, or serving in any of her Majesty's regular sioned officers. egiments; and that nothing in this Act contained shall empower any officer, ther than those herein-after mentioned, to confirm the sentence of death, ransportation, or cashiering on a commissioned officer of the East India company's service; (that is to say,) the general or other officer commanding chief at the presidency within which, or in territories subordinate to which, ne offender shall have been tried, or the general commanding in chief the my to which the division, brigade, or party in which the offender may be rving shall belong or be attached.

VI. PROVIDED always, and be it enacted, that, save as herein-before is This Act not pressly provided, this Act shall not alter or affect the laws, statutes, regulaons, articles of war, usages, or customs which now are or hereafter may be in force save as rce with respect to her Majesty's forces or the forces of the said East India provided. ompany, whether natives or not of the East Indies or other places within e limits of the said company's charter: Provided also, that this Act shall ot be construed as declaring or interpreting the extent of her Majesty's royal rerogative, or the meaning of any former Act or of any article of war.

VII. AND be it enacted, that the provisions of this Act shall apply to all This Act to nch persons as may from time to time be liable to martial law under the extend on rovisions of any Act of Parliament or articles of war, and who may from subject to me to time be serving or may be or come within the limits of the charter of and being be East India Company, construing the same as extending to all places and limits of the as eastward of the Cape of Good Hope to the Straits of Magellan.

VIII. And be it enacted, that, so far as regards officers and soldiers in her ajesty's service, this Act shall continue in force so long only as there may be continue as to force some Act for punishing mutiny and desertion, and for the better her Majesty's syment of the army and their quarters.

to affect laws.

company's charter. forces only during continuance of Mutiny Act.

CHAPTER XIX.

N ACT for regulating the Bailiffs of Inferior Courts.

[6th June 1844.]

WHEREAS courts are holden in and for sundry counties, hundreds, and Wapentakes, honours, manors, and other lordships, unchises, having by custom or charter jurisdiction for the recovery of debts d damages in personal actions, and in many places great extortion is practised der colour of the process of such courts: For remedy thereof, be it enacted Bailiffs of inferior co the Queen's most excellent Majesty, by and with the advice and consent of to be appointed lords spiritual and temporal, and commons, in this present Parliament by the judges bled, and by the authority of the same, that the judge of every such t shall have power to appoint a sufficient number of proper and responsible to act as bailiffs of the said court, and in the execution of the process and to suspend or dismiss any such bailiff for misconduct, and no 80 dismissed shall be qualified to be re-appointed; and the bailiffs of the so appointed, and no other persons, save as herein-after mentioned, shall all summonses, and execute all orders, warrants, precepts, writs, and Processes issued out of the said court; and a list containing the name Place of abode of every such bailiff shall be put up in a conspicuous place said court: Provided always, that this Act shall not extend to prevent Not to prevent Process from being executed by any high sheriff or high bailiff, or any executed by

high sheriff, &c. officer appointed by Act of Parliament to perform the duties of sheriff with regard to the execution of process out of any such court, or his or their bound bailiffs or other officers.

Bailiffs to give security.

II. And be it enacted, that every bailiff so appointed under this Act shall give to the said judge security, in such sum and manner and form as he shall from time to time order, for the due performance of his office, and for payment of all monies received by him in the execution of his office.

Bailiffs taking fees other than those allowed to be discharged. III. AND be it enacted, that every bailiff authorized to execute the process of any such court who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever other than and except such fees as shall be allowed by law and declared by order of the court, which shall be put up in some conspicuous place in the court, shall, upon proof thereof before the said court, be for ever incapable of serving or being employed in any office of profit or emolument of the said court.

Remedies against bailiffs guilty of extortion or misconduct. IV. And be it enacted, that if any bailiff acting under colour or pretence of the process of any such court shall be guilty of extortion or misconduct, or shall not duly pay or account for any money levied under process of the said court, it shall be lawful for the judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs to the parties aggrieved, as he shall think just; and in default of payment of any money so ordered to be paid within the time specified for the payment thereof it shall be lawful for the judge of the said court, by warrant under his hand and seal, to cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of such distress and sale, and in default of such distress to commit the offender to the county gaol or house of correction for any time not exceeding one calendar month.

Seals of such courts.

Persons forging process, &c. guilty of felony. V. And be it enacted, that for every such court a seal shall be made under the direction of the judge of such court, and that all summonses and other process issuing out of the said court shall be sealed or stamped with such seal; and every person who shall forge the seal or any process of the court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said court, knowing the same to be false, or who shall act or profess to act under or by the authority of such summons or process, knowing the same to be false, or who shall take upon himself to act as a bailiff of any such court without lawful authority, shall be guilty of felony.

Sale of goods taken in execution not to be till three days after they are taken, except in case of perishable goods, or on request of owner. Penalty for assaulting

VI. And be it enacted, that no goods which shall be taken in execution under any process of any such court shall be sold until the end of three days at least next following the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon request in writing under the hand of the party whose goods shall have been taken; and until such sale the goods so taken shall be in the custody of the bailiff to whom the warrant of execution shall have been directed.

VII. And be it enacted, that if any bailiff of any such court shall be a-saulted while in the execution of his duty, or if any rescue shall be made or

attempted to be made of any person or goods taken or levied under process bailiffs, or rescuing of any such court, the person offending therein, on conviction thereof before persons or two justices of the peace, shall be imprisoned with or without hard labour goods taken in execution. the common gaol or house of correction for any term not exceeding three alendar months, or shall forfeit and pay such fine not exceeding five pounds s may be set upon him by the said justices of the peace; and every such fine, ith the costs of conviction, in case of nonpayment thereof, shall be levied

y distress and sale of the goods of the offender. VIII. AND be it enacted, that all actions and prosecutions to be commenced Limitation of

gainst any bailiff of any such court for any thing done in pursuance of his ity as such bailiff, or for such grievance, misferzance, or nonfeazance as oresaid, shall be laid and tried in the county where the offence was comitted, and shall be commenced within three calendar months after the fact mmitted, and not afterwards or otherwise; and notice in writing of such Notice. ction or prosecution, and of the cause thereof, shall be given to the defendant ne calendar month at least before the commencement of such action or procution; and no plaintiff shall recover in any such action if tender of suffient amends, in the opinion of the judge who shall try such action, shall ave been made before action brought, or if after action brought a sufficient am of money, in the opinion of the judge as aforesaid, with costs, shall have Payment into

een paid into court, in satisfaction of such action.

IX. And be it enacted, that in this Act the word "judge" shall be con-Meaning of rued to mean the county clerk, under sheriff, steward, or other person, by or "judge efore whom any such court shall be holden.

CHAPTER XXII.

N ACT to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in England. [4th July 1844.] WHEREAS an Act was passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled "An Act for repealing 13 Geo. 3. so much of an Act of the thirty-first year of his late Majesty as inflicts capital punishment for frauds and abuses in the marking or stamping of gold or silver plate, and for inflicting another punishment for the said offence": And whereas by an Act passed in the thirty eighth year of the of his said late Majesty King George the Third, intituled "An Act for 38 Geo. 3. llowing gold wares to be manufactured at a standard lower than is now llowed by law," it is enacted, "that from and after the said first day of etober one thousand seven hundred and ninety-eight if any person shall ge, cast, or counterfeit, or cause or procure to be cast, forged, or counterited, the mark or stamp used or directed to be used in pursuance of this for the marking or stamping of gold plate by the company of goldths in London or Edinburgh, or the Birmingham or Sheffield company, by the wardens or assayer or assayers at York, Exeter, Bristol, Chester, Or wich, or Newcastle-upon-Tyne, or any or either of them, or shall cast,

Se, or counterfeit, or shall cause or procure to be cast, forged, or counterted, any mark, stamp, or impression in imitation of or to resemble any rk, stamp, or impression made or to be made with any mark or stamp ed or to be used as aforesaid by the said company of goldsmiths in

" London or Edinburgh, or by the said Birmingham or Sheffield companies,

" or by the said wardens or assayer or assayers, or any or either of them, or " shall mark or stamp, or cause or procure to be marked or stamped, any " wrought plate of gold, or any wares of silver, brass, or other metal gilt over " and resembling plate of gold, with any mark or stamp which hath been or " shall be forged or counterfeited at any time, either before, on, or after the " said first day of October one thousand seven hundred and ninety-eight, in " imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by " the said Birmingham or Sheffield companies, or by the said wardens or " assayer or assayers, or any or either of them, or shall transpose or remove, " cause or procure to be transposed or removed, from one piece of wrought ' plate to another, or to any vessel of silver, brass, or other metal as aforesaid, " any mark, stamp, or impression made or to be made by or with any mark or " stamp used or to be used as aforesaid by the said company of goldsmiths in " London or Edinburgh, or by the said Birmingham or Sheffield companies, " or by the said wardens or assayer or assayers, or any or either of them, or " shall sell, exchange, or expose to sale, or export out of this kingdom, any " wrought plate of gold, or any vessel of silver, brass, or other metal as afore-" said, with any such forged or counterfeit mark, stamp, or impression thereon, " or any mark, stamp, or impression which hath been or shall be transferred " or removed from any other piece of plate, knowing such mark, stamp, or " impression to be forged, counterfeited, or transposed or removed as aforesaid, " or shall wilfully or knowingly have or be possessed of any mark or stamp " which hath been or shall be forged or counterfeit in imitation of and to " resemble any mark or stamp used or to be used as aforesaid by the said " company of goldsmiths in London or Edinburgh, or by the said Birmingham " and Sheffield companies, or by the said wardens or assayer or assayers, or any " or either of them, every such person offending in any such or either of the " cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of " felony, and shall be transported to such parts beyond the seas as his Majesty, " with the advice of his privy council, shall direct, for the space of seven years": And whereas it is expedient to simplify the said laws, and to alter the punishments thereby imposed, and to make further provision for preventing frauds and abuses in the marking of and dealing in gold and silver wares: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said Act passed in the thirtcenth year of the reign of his said late Majesty King George the Third, and so much of the said Act passed in the thirty-eighth year of the reign of his said late Majesty King George the Third as is herein before recited, shall be and the same are hereby repealed, so far as the same relate to that part of the United Kingdom called England, except as to offences committed before the day on which this Act shall come into operation, which shall be dealt with and punished as if this Act had not been passed; nevertheless no Act or part of an Act repealed by the said Act passed in the thirteenth year of the reign of his said late Majesty King George the Third shall be revived by the passing of this Act. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

13 Geo. 3 c. 59. and 88 Geo. 3. c. 69. s. 7. repealed as to England.

II. AND be it enacted, that every person who shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, any die or other instrument, or any part of any die or other instrument, provided or used or to be provided or used by the company of goldsmiths in London, or by any of the several companies of goldsmiths in the cities of York, Exeter, Bristol,

Forging or counterfeiting any die for marking gold or silver wares, or knowingly uttering the same: Chester, or Norwich, or the town of Newcastle-upon-Tyne, or by the companies of guardians of the standard of wrought plate in the towns of Sheffield stamping of any gold or or Birmingham respectively, for the marking or ilver wares; and every person who shall mark with any such forged or marking ounterfeit die or other instrument, or with any part of such forged or counter-wares with of gold or silver, or any or uttering eit die or other instrument as aforesaid, any ware vare of base metal, or shall utter any such ware of gold or silver, or any such marked: are of base metal, so marked as aforesaid, knowing the same to be so marked aforesaid; and every person who shall forge or counterfeit, or by any forging any eans whatever produce an imitation of, or shall utter, knowing the same to forged or counterfeit or an imitation, any mark or part of any mark of any uttering the e or other instrument provided or used or to be provided or used as aforeid, upon any ware of gold or silver, or any ware of base metal; and every transposing erson who shall transpose or remove, or shall utter, knowing the same to be or removing ansposed or removed, any mark of any die or other instrument provided or uttering marks sed or to be provided or used as aforesaid, from any ware of gold or silver to so transposed; ny other ware of gold or silver, or to any ware of base metal; and every having in erson who shall without lawful excuse (the proof whereof shall lie on the possession any such arty accused) have in his possession any such forged or counterfeit die or forged dies, ther instrument as aforesaid, or any ware of gold or silver, or any ware of &c. knowing the same to ase metal, having thereupon the mark of any such forged or counterfeit die be forged; r other instrument as aforesaid, or having thereupon any such forged or ounterfeit mark or imitation of a mark as aforesaid, or any mark which shall ave been so transposed or removed as aforesaid, knowing the same respecvely to have been forged, counterfeited, imitated, marked, transposed, or emoved; and every person who shall cut or sever from any ware of gold or cutting or lver any mark or any part of any mark of any die or other instrument proded or used or to be provided or used as aforesaid, with intent to affix ark or such part of a mark shall or may be placed upon or joined or affixed upon other wares: any other ware of gold or silver, or to any ware of base metal; and every affixing any erson who shall place upon or join or affix to any ware of gold or silver, or mark cut or ny ware of base metal, any mark of any die or other instrument provided or any other ed or to be provided or used as aforesaid, which shall have been cut or severed ware; om any ware of gold or silver; and every person who shall, with intent to or fraudufraud her Majesty, or any of the said several companies of goldsmiths and lently using genuine diet ardians respectively, or any person whatever, use any genuine die or other trument provided or used or to be provided or used as aforesaid, and every son counselling, aiding, or abetting any such offender, shall be guilty of felony, or abetting offenders; shall, at the discretion of the court, either be transported beyond the seas term not exceeding fourteen years nor less than seven years, or be imoned, with or without hard labour, for any term not exceeding three years. 1. And be it enacted, that every dealer in gold or silver wares who shall Penalty on dealer selling exchange, or expose or keep for sale, or shall export or import, or dealer selling, exporting, &c. Pt to export or import, from or to England, or who shall bave in his or having in his possession Of gold or silver, or any ware of base metal, having thereupon any mark with forged or transpared If forged or counterfeit die or other instrument as aforesaid, or any forged marks. nterfeit mark or imitation of a mark of any die or other instrument ded or used or to be provided or used by any of the several companies

mark of any

genuine dies

of goldsmiths and guardians aforesaid for marking gold or silver wares, or having thereupon any mark which shall have been transposed or removed thereto from any other ware of gold or silver, shall for every such ware so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to be exported or imported, or which shall so be in his possession as aforesaid, forfeit and pay the sum of ten pounds, which may be sued for and recovered by any of the several companies of goldsmiths and guardians aforesaid in manner herein-after provided.

 Dealers to be exempted on giving information in certain cases.

IV. PROVIDED always, and be it enacted, that every such dealer in gold or silver wares who shall have sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or had in his possession, any such ware of gold or silver, or any such ware of base metal, having thereupon any mark of any such forged or counterfeited die or other instrument as aforesaid, or any such forged or counterfeit mark or imitation of a mark as aforesaid, or any mark which shall have been so transposed or removed thereto as aforesaid, and shall within twenty-one days next after notice thereof to him given by any of the several companies of goldsmiths or guardians as aforesaid, or left at his usual place of abode, or at any house, shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such person shall reside, or shall carry on or transact his said trade or business, the name and place of abode of the actual manufacturer of any such ware of gold or silver, or ware of base metal, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively, then such dealer in gold or silver wares shall be and he is hereby exempted and discharged from any penalty or forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or having in his possession, any such ware of gold or silver, or ware of base metal, as aforesaid, any thing herein-before contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend to exempt any person from the legal consequences of uttering or of having in his possession any such ware as aforesaid, knowing the same to be marked with a forged or counterfeit die or other instrument, or knowing the mark thereupon to be forged, counterfeited, imitated, transposed, or removed, if such knowledge shall be duly proved in any criminal prosecution or proceeding against such person for any such offence.

Not to exempt persons from the consequences of uttering with guilty knowledge.

Where any alterations or additions are-made to wares assayed and marked, the ware so altered or added to shall be again assayed, and marked as new, and duty paid upon the whole.

V. And be it enacted, that if any ware of gold or silver which shall have been duly assayed and marked at any assay office of any of the several companies of goldsmiths or guardians aforesaid shall at any time after the passing of this Act be altered, either by any addition made thereto or otherwise, so that the character or denomination of such ware, or the use or purpose for which the same was originally made or designed, shall be changed, or if any such ware of gold or silver shall at any time after the passing of this Act have any addition made thereto, (although its character, denomination, use, or purpose shall not be changed by reason of any such addition,) the weight of which said addition shall bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound troy weight of such original ware, every such ware so altered or added to as afore-

and upon every dealer selling, exporting, &c. such ware without the same being marked;

such ware may be seized.

Dealers to be exempted on giving information in certain cases.

and every dealer in gold or silver wares who shall sell or exchange, or expose or keep for sale, or export or attempt to export from England, or shall have in his possession, any such ware of gold or silver which shall have been so altered, changed, or added to as aforesaid, the same, or the addition thereto, not having been so assayed and marked as aforesaid, shall for every such ware forfeit and pay the sum of ten pounds, which may be sued for and recovered by any of the several companies of goldsmiths or guardians aforesaid respectively in the manner herein-after provided; and every such ware of gold or silver, if found at any house, shop, or place where any such dealer in gold or silver wares shall carry on or transact his trade or business, shall and may be lawfully seized by any of the several companies of goldsmiths or guardians aforesaid, and by them be dealt with as herein-after is directed.

VI. PROVIDED always, and be it enacted, that every such dealer in gold or silver wares who shall have sold or exchanged, or exposed or kept for sale, or exported or attempted to export from England, or had in his possession, any such ware of gold or silver which shall have been so altered, changed, or added to as aforesaid, the same or the addition thereto not having been so assayed and marked as aforesaid, and shall within twenty-one days next after notice thereof to him given by any of the several companies of goldsmiths or guardians aforesaid, or left at his usual place of abode, or at any house, shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such person shall reside, or shall carry on or transact his said trade or business, the name and place of abode of the actual manufacturer of any such ware of gold or silver as last aforesaid, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively, then such dealer in gold or silver wares shall be and he is hereby exempted and discharged from any penalty or forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or attempted to export, or having in his possession, any such ware of gold or silver as last aforesaid, any thing herein-before contained to the contrary thereof notwithstanding.

If any officer of any of the goldsmiths' companies shall mark metal with any die, &c. such company shall be liable to penalty of

any base

20/.;

the officer shall be dismissed:

VII. AND for the further prevention of abuses in the making and assaying of gold and silver wares, be it enacted, that if any assayer or other officer of or person employed by the company of goldsmiths in London, or any of the several companies of goldsmiths of the cities of York, Exeter, Bristol, Chester, or Norwich, or of the town of Newcastle-upon-Tyne, or either of the companies of guardians of the standard of wrought plate in the towns of Sheffield or Birmingham respectively, shall mark, or permit or suffer to be marked, any ware of base metal with any die or other instrument used or to be used by any such company for marking gold or silver wares to denote that the same is of the standard allowed and required by law, every such company of goldsmiths or guardians aforesaid to which any such assayer or officer shall belong or by whom such person shall be employed shall for every such offence forfeit and pay to her Majesty the sum of twenty pounds, which may be sued for and recovered in such and the like manner as penalties recoverable under any Act in force relating to stamp duties are to be sued for and recovered by law; and every such assayer or other officer or person employed as aforesaid, upon complaint or information made thereof by any officer of stamp duties to any of suit, in any of her Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, in the name of any master, warden, assayer, clerk, or other officer of any of the said several companies respectively entitled to sue for or recover the same, or, where the penalty shall be forfeited to her Majesty, in the name of the attorney general, or by information in the name of any such officer, or, where the penalty shall be forfeited to her Majesty, in the name of an officer of stamp duties, before a justice of the peace, in like manner as any penalty may be recovered before any such justice by any officer of stamp duties; and every such penalty which shall be sued for and recovered in the name of any officer of the said several companies respectively shall go and be paid wholly to the company to which such officer shall belong, to be applied by such company in defraying the expences of their assay office, and of detecting and prosecuting offenders against this Act.

Upon information given upon oath against dealers suspected of having in possession illegal wares, &c. justices may grant warrants for search and seizure.

XI. And be it enacted, that whenever any of the said several companies of goldsmiths or guardians aforesaid shall have reasonable or probable cause to suspect that any dealer in gold and silver wares hath concealed or deposited in any house, shop, or place, or hath possession of, any wares of gold or silver which ought to be marked with any of the marks provided or used or to be provided or used by any of the said companies of goldsmiths or guardians respectively for marking or stamping gold or silver wares, and not so marked, or hath concealed or deposited as aforesaid, or hath possession of, any such forged or counterfeit die or other instrument, or any ware of gold or silver, or ware of base metal, having thereupon any mark of any such forged or counterfeited die or other instrument as aforesaid, or having thereupon any forged or counterfeited mark of any die or other instrument provided or used or to be provided or used as aforesaid, or any mark which shall have been so transposed or removed thereto as aforesaid, it shall be lawful for any justice of the peace having jurisdiction where any or either of such offences shall be suspected to be committed, and such justice is hereby required, upon information or complaint made of any such reasonable or probable cause of suspicion by or on behalf of any of the several companies of goldsmiths or guardians aforesaid, and upon the oath of one or more credible person or persons, (which oath such justice is hereby empowered and required to administer.) to grant a warrant under his hand directed to any one or more of the officers of any of the several companies of goldsmiths or guardians aforesaid, together with any constable or other peace officer named in such warrant, authorizing and empowering such officer of the said companies respectively, and such constable or other peace officer as aforesaid, with necessary and proper assistance, to enter in the day-time into any such house, shop, or place as aforesaid, or any other house, shop, or place of any such suspected person, and to search the same, and to seize and take away every such forged or counterfeited die or other instrument, and every such ware as aforesaid, which shall there be found; and all constables and other peace officers shall and they are hereby required to be aiding and assisting in the execution of every such warrant as aforesaid; and every such forged and counterfeited die or other instrument, and every such ware as aforesaid, so there found, seized, and taken, shall and may be dealt with as herein-after is provided: Provided always, and it is hereby declared, that nothing in this Act contained shall authorize the search for or seizure of any wares which by the laws now in force are not required

Nothing herein to authorize the search for or Costs.

the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law; and, although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Construction and interpretation of terms.

Base metal. Dealer.

Die.

Her Majesty.

Ware.

XIV. And for the better interpretation of this Act, and to avoid the frequent use of divers terms and expressions, be it enacted, that the following terms and expressions shall have the several interpretations herein-after respectively set forth; (that is to say,) the term "base metal" shall mean any metal whatsoever other than gold or silver of the respective standards required by law; and the term "dealer in gold or silver wares" shall mean and include every goldsmith and silversmith, and every worker, maker, and manufacturer of and trader and dealer in gold or silver wares; and the term "die" shall mean and include any die, plate, tool, or instrument whatever, by means whereof any mark can or shall be made upon any metal whatsoever; and the term "her Majesty" shall mean and include her Majesty, her heirs and successors; and the term "mark" shall mean and include any mark, stamp, or impression of and made with any die or other instrument, or produced by any other means whatsoever, upon any metal whatsoever; and the term "ware" shall mean and include any plate, vessel, article, or manufacture of any metal whatsoever; and whenever in this Act, with reference to any person or matter or thing, or to any persons or matters or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons or matters or things as well as one person or matter or thing, and one person, matter, or thing as well as several persons or matters or things, females as well as males, bodies politic or corporate as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

XV. AND whereas all gold wares of the standard or fineness of twenty-two carats of fine gold in every pound troy assayed by any of the said companies of goldsmiths and guardians are by certain statutes now in force required to be marked with the same mark as that with which all silver wares of the standard or fineness of eleven ounces and two pennyweights assayed as aforesaid are required to be marked, (that is to say,) with the figure of the lion passant, in order to denote the standards thereof respectively, whereby great facilities to frauds are afforded, and extensive frauds have been committed by dealers in gold and silver wares; and it is expedient that all gold wares of the standard or fineness aforesaid and so assayed as aforesaid should be marked by a different mark, to denote the standard thereof, from the mark so used for the said silver wares as aforesaid: Be it therefore enacted, that from and after the first day of October one thousand eight hundred and forty-four there shall be struck or marked by the said company of goldsmiths in London, and by the several companies of goldsmiths in the cities of York, Exeter, Bristol. Chester, and Norwich, and the town of Newcastle-upon-Tyne, and the com-

After
1st Oct. 1844
gold wares
of 22 carat
standard to
be marked
with a crown

Offences of badgering, engrossing, forestalling, and regrating abolished. whereas, notwithstanding the making of the first-recited Act, persons are still liable to be prosecuted for badgering, engrossing, forestalling, and regrating, as being offences at common law, and also forbidden by divers statutes made before the earliest of the statutes thereby repealed: For remedy thereof, and for the extension of the same remedy to Scotland and to Ireland, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act the several offences of badgering, engrossing, forestalling, and regrating be utterly taken away and abolished, and that no information, indictment, suit, or prosecution shall lie, either at common law or by virtue of any statute, or be commenced or prosecuted against any person, for or by reason of any of the said offences or supposed offences.

Nothing in this Act to apply to spreading false rumours to keep up or lower prices, or preventing by force or threats goods from being brought to any fair or market. IV. Provided always, and be it enacted, that nothing in this Act contained shall be construed to apply to the offence of knowingly and fraudulently spreading or conspiring to spread any false rumour, with intent to enhance or decry the price of any goods or merchandize, or to the offence of preventing or endeavouring to prevent by force or threats any goods, wares, or merchandize being brought to any fair or market, but that every such offence may be inquired of, tried, and punished as if this Act had not been made.

CHAPTER XXV.

An Act to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass.

[4th July 1844.]

Makers of vinegar or acetous acid, not being retailers, to take out licence.

Vinegar makers to make entry of their premises and utensils with the Excise as directed by the Acts 7 & 8 Geo. 4. c. 53.

4 & 5 Will. 4. c. 51. and

4 & 5 Vict. c. 20.

II. every person who shall make, prepare, extract, distil, rectify, purify, or sell any liquors prepared or capable of being used or applied to the purposes of vinegar or acetous acid made for sale, not being a dealer in, retailer, or seller of such vinegar or acetous acid only, shall be deemed and taken to be a vinegar maker, and shall take out the licence now required by law in such respect, under the same rules, regulations, provisions, penalties, and forfeitures as such licences are now granted and held under.

III. Provided always, and be it enacted, that every such maker of vinegar or acetous acid for sale as aforesaid shall make entry by delivering a true and particular account in writing of every house, building, room, place, still, vessel, and utensil intended to be used by him for the making or keeping of any vinegar or acetous acid for sale, in such form and manner as directed by an Act passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws "relating to the collection and management of the revenue of excise through-"out Great Britain and Ireland," and by another Act passed in the fourth and fifth years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the laws relating to the collection and management of the revenue of excise," and by another Act passed in the fourth year of the reign of her present Majesty, intituled "An Act to alter and amend certain

game or rabbits in any open or inclosed land to apply to persons by night destroying game or rabbits on any public road, path, &c. destroying any game or rabbits in any land, open or inclosed, as therein set forth, shall be applicable to and imposed upon any person by night unlawfully taking or destroying any game or rabbits on any public road, highway, or path, or the sides thereof, or at the openings, outlets, or gates from any such land into any such public road, highway, or path, in the like manner as upon any such land, open or inclosed; and it shall be lawful for the owner or occupier of any land adjoining either side of that part of such road, highway, or path where the offender shall be, and the gamekeeper or servant of such owner or occupier, and any person assisting such gamekeeper or servant, and for all the persons authorized by the said Act to apprehend any offender against the provisions thereof, to seize and apprehend any person offending against the said Act or this Act; and the said Act, and all the powers, provisions, authorities, and jurisdictions therein or thereby contained or given, shall be as applicable for carrying this Act into execution as if the same had been herein specially set forth.

CHAPTER XXXII.

An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period.

[19th July 1844.]

8 & 4 Will. 4. c. 98.

Bank of England to establish a separate department for the issue of promissory notes payable on demand;

to be called "the Issue Department." Management thereof.

Department to be kept

HEREAS it is expedient to regulate the issue of bills or notes payable on demand: And whereas an Act was passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled "An Act for " giving to the corporation of the governor and company of the Bank of " England certain privileges for a limited period, under certain conditions"; and it is expedient that the privileges of exclusive banking therein mentioned should be continued to the said governor and company of the Bank of England, with such alterations as are herein contained, upon certain conditions: May it therefore please your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the thirty-first day of August one thousand eight hundred and fortyfour the issue of promissory notes of the governor and company of the Bank of England, payable on demand, shall be separated and thenceforth kept wholly distinct from the general banking business of the said governor and company; and the business of and relating to such issue shall be thenceforth conducted and carried on by the said governor and company in a separate department, to be called "the Issue Department of the Bank of England," subject to the rules and regulations herein-after contained; and it shall be lawful for the court of directors of the said governor and company, if they shall think fit, to appoint a committee or committees of directors for the conduct and management of such issue department of the Bank of England, and from time to time to remove the members and define, alter, and regulate the constitution and powers of such committee, as they shall think fit, subject to any bye laws, rules, or regulations which may be made for that purpose: Provided nevertheless, that the said issue department shall always be kept

notes for gold bullion.

Bank may require bullion to be assayed.

On any other banker ceasing to issue his own notes the Bank may be authorized by order in council to increase securities in the issue department, and issue additional notes.

Restriction on amount of increase.

Weekly account in form in schedule (A.) to be rendered by the Bank of England.

Bank of England exempted from stamp duty and composition for duty upon their notes.

In consideration of exclusive privileges of Bank, and freedom from stamp duties, Bank to allow 180,000!. yearly out of sum allowed for charges of management of public debt. notes in exchange for gold bullion, at the rate of three pounds seventeen shillings and nine-pence per ounce of standard gold: Provided always, that the said governor and company shall in all cases be entitled to require such gold bullion to be melted and assayed, by persons approved by the said governor and company, at the expence of the parties tendering such gold bullion.

V. Provided always, and be it enacted, that if any banker who on the sixth day of May one thousand eight hundred and forty-four was issuing his own bank notes shall cease to issue his own bank notes, it shall be lawful for her Majesty in council at any time after the cessation of such issue, upon the application of the said governor and company, to authorize and empower the said governor and company to increase the amount of securities in the said issue department beyond the total sum or value of fourteen million pounds, and thereupon to issue additional Bank of England notes to an amount not exceeding such increased amount of securities specified in such order in council, and so from time to time: Provided always, that such increased amount of securities specified in such order in council shall in no case exceed the proportion of two thirds the amount of bank notes which the banker so ceasing to issue may have been authorized to issue under the provisions of this Act; and every such order in council shall be published in the next succeeding London Gazette.

VI. And be it enacted, that an account of the amount of Bank of England notes issued by the issue department of the Bank of England, and of gold coin and of gold and silver bullion respectively, and of securities, in the said issue department, and also an account of the capital stock, and the deposits, and of the money and securities belonging to the said governor and company in the banking department of the Bank of England, on some day in every week to be fixed by the commissioners of stamps and taxes, shall be transmitted by the said governor and company weekly to the said commissioners, in the form prescribed in the schedule hereto annexed marked (A.), and shall be published by the said commissioners in the next succeeding London Gazette in which the same may be conveniently inserted.

VII. AND be it enacted, that from and after the said thirty-first day of August one thousand eight hundred and forty-four the said governor and company of the Bank of England shall be released and discharged from the payment of any stamp duty, or composition in respect of stamp duty, upon or in respect of their promissory notes payable to bearer on demand; and all such notes shall thenceforth be and continue free and wholly exempt from all liability to any stamp duty whatsoever.

VIII. And be it enacted, that from and after the said thirty-first day of August one thousand eight hundred and forty-four the payment or deduction of the annual sum of one hundred and twenty thousand pounds made by the said governor and company, under the provisions of the said Act passed in the fourth year of the reign of his late Majesty King William the Fourth, out of the sums payable to them for the charges of management of the public unredeemed debt, shall cease, and in lieu thereof the said governor and company, in consideration of the privileges of exclusive banking, and the exemption from stamp duties, given to them by this Act, shall, during the continuance of such privileges and such exemption respectively, but no longer, deduct and allow to the public, from the sums now payable by law to the said governor and company for the charges of management of the public unredeemed debt, the annual sum of one hundred and eighty thousand pounds, any thing in any Act or Acts of Parliament,

banks of issue to be ascertained and certified.

4 & 5 Vict. c. 50.

Such banks may-continue to issue notes, but may not exceed the average circulation so certified.

Provision for united banks united within 12 weeks before 27th April 1844.

Duplicate certificate to be published in the Gazette.

Gazette to be evidence.

In case banks having not more than six members cach become united, commissioners of stamps shall certify the amount of bank notes which each bank was authorized

next after the passing of this Act, give notice in writing to the commissioners of stamps and taxes at their head office in London of such claim, and of the place and name and firm at and under which such banker has issued such notes during the twelve weeks next preceding the twenty-seventh day of April last; and thereupon the said commissioners shall ascertain if such banker was on the sixth day of May one thousand eight hundred and fortyfour carrying on the business of a banker and lawfully issuing his own bank notes in England or Wales, and if it shall so appear then the said commissioners shall proceed to ascertain the average amount of the bank notes of such banker which were in circulation during the said period of twelve weeks preceding the twenty-seventh day of April last, according to the returns made by such banker in pursuance of the Act passed in the fourth and fifth years of the reign of her present Majesty, intituled "An Act to make further provision " relative to the returns to be made by banks of the amount of their notes in "circulation"; and the said commissioners or any two of them shall certify under their hands to such banker the said average amount, when so ascertained as aforesaid; and it shall be lawful for every such banker to continue to issue his own bank notes after the passing of this Act: Provided nevertheless, that such banker shall not at any time after the tenth day of October one thousand eight hundred and forty-four have in circulation upon the average of a period of four weeks, to be ascertained as herein-after mentioned, a greater amount of notes than the amount so certified.

XIV. PROVIDED always, and be it enacted, that if it shall be made to appear to the commissioners of stamps and taxes that any two or more banks have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united within the twelve weeks next preceding such twenty-seventh day of April as aforesaid, it shall be lawful for the said commissioners to ascertain the average amount of the notes of each such bank in the manner herein-before directed, and to certify the average amount of the notes of the two or more banks so united as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

XV. And be it enacted, that the commissioners of stamps and taxes shall, at the time of certifying to any banker such particulars as they are hereinbefore required to certify, also publish a duplicate of their certificate thereof in the next succeeding London Gazette in which the same may be conveniently inserted; and the Gazette in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid.

XVI. And be it enacted, that in case it shall be made to appear to the commissioners of stamps and taxes, at any time hereafter, that any two or more banks, each such bank consisting of not more than six persons, have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united subsequently to the passing of this Act, it shall be lawful to the said commissioners, upon the application of such united bank, to certify, in manner herein-before mentioned, the aggregate of the amounts of bank notes which such separate banks were previously authorized to issue, and so from time to time; and every such certificate shall

Commissioners of stamps and taxes empowered to cause the books of bankers containing accounts of their bank notes in circulation to be inspected.

Penalty for refusing to allow such inspection.

All bankers to return names, &c. once a year to the Stamp Office.

Penalty for neglect.

Returns to be published.

Bankers to take out a separate licence for every place at which

XX. AND whereas, in order to insure the rendering of true and faithful accounts of the amount of bank notes in circulation, as directed by this Act. it is necessary that the commissioners of stamps and taxes should be empowered to cause the books of bankers issuing such notes to be inspected, as herein-after mentioned: Be it therefore enacted, that all and every the book and books of any banker who shall issue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank notes issued or to be issued by such banker, or of or relating to the amount of such notes in circulation from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of true accounts of the average amount of such notes in circulation, as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination, at all seasonable times, of any officer of stamp duties authorized in that behalf by writing signed by the commissioners of stamps and taxes or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid; and if any banker or other person keeping any such book, or having the custody or possession thereof, or power to produce the same, shall, upon demand made by any such officer, showing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same, or to take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid kept, contained, or entered therein, every such banker or other person so offending shall for every such offence forfeit the sum of one hundred pounds: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the commissioners of her Majesty's Treasury.

XXI. And be it enacted, that every banker in England and Wales who is now carrying on or shall hereafter carry on business as such shall on the first day of January in each year, or within fifteen days thereafter, make a return to the commissioners of stamps and taxes at their head office in London of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker, company, or partnership shall omit or refuse to make such return within fifteen days after the said first day of January, or shall wilfully make other than a true return of the persons as herein required, every banker, company, or partnership so offending shall forfeit and pay the sum of fifty pounds; and the said commissioners of stamps and taxes shall on or before the first day of March in every year publish in some newspaper circulating within each town or county respectively a copy of the return so made by every banker, company, or partnership carrying on the business of bankers within such town or county respectively, as the case may be.

XXII. And be it enacted, that every banker who shall be liable by law to take out a licence from the commissioners of stamps and taxes to authorize the issuing of notes or bills shall take out a separate and distinct licence for every town or place at which he shall, by himself or his agent, issue any

aforesaid shall be paid by the said governor and company out of their own funds; and in case any difference shall arise between any of such bankers and the governor and company of the Bank of England in respect of the composition payable as aforesaid, the same shall be determined by the chancellor of the Exchequer for the time being, or by some person to be named by him, and the decision of the chancellor of the Exchequer, or his nominee, shall be final and conclusive: Provided always, that it shall be lawful for any banker named in the schedule hereto annexed marked (C.) to discontinue the receipt of such composition as aforesaid, but no such banker shall by such discontinuance as aforesaid thereby acquire any right or title to issue bank notes.

XXIV. And he it enacted, that it shall be lawful for the said governor and

company to agree with every banker who, under the provisions of this Act,

shall be entitled to issue bank notes, to allow to such banker a composition at

the rate of one per centum per annum on the amount of Bank of England

notes which shall be issued and kept in circulation by such banker, as a consideration for his relinquishment of the privilege of issuing his own bank notes; and all the provisions herein contained for ascertaining and determining the amount of composition payable to the several bankers named in the schedule hereto marked (C.) shall apply to all such other bankers with whom the said governor and company are hereby authorized to agree as aforesaid; provided that the amount of composition payable to such bankers as last aforesaid shall in every case in which an increase of securities in the issue department shall have been authorized by any order in council be deducted out of the amount payable by the said governor and company to the public

under the provisions herein contained: Provided always, that the total sum

payable to any banker, under the provisions herein contained, by way of composition as aforesaid, in any one year, shall not exceed, in case of the bankers mentioned in the schedule hereto marked (C.), one per centum on the several sums set against the names of such bankers respectively in the list and statement delivered to the commissioners of stamps as aforesaid, and in the case of other bankers shall not exceed one per centum on the amount of bank notes which such bankers respectively would otherwise be entitled to

Bankers may discontinue receipt of composition.

Bank of England may compound with issuing banks for relinquishment of issue.

Limitation of compositions.

Banks exceeding six in

number within London and

sixty-five

miles thereof may accept,

&c. bills not

payable to bearer on

demand.

XXVI. AND be it enacted, that from and after the passing of this Act it shall be lawful for any society or company or any persons in partnership, though exceeding six in number, carrying on the business of banking in London, or within sixty-five miles thereof, to draw, accept, or endorse bills of exchange, not being payable to bearer on demand, any thing in the hereinbefore recited Act passed in the fourth year of the reign of his said Majesty King William the Fourth, or in any other Act, to the contrary notwithstanding.

issue under the provisions herein contained.

Bank of England to enjoy privileges,

XXVII. AND be it enacted, that the said governor and company of the Bank of England shall have and enjoy such exclusive privilege of banking as is given by this Act, upon such terms and conditions, and subject to the termination thereof at such time and in such manner, as is by this Act provided and specified; and all and every the powers and authorities, franchises, privileges, and advantages, given or recognized by the said recited Act passed in the fourth year of the reign of his Majesty King William the Fourth, as

SCHEDULES to which the Act refers.

•		JLE (A.)	
An Account pursuant to on	•	England. 8 Vict. Cap. for the day of	Week ending
	Issue De	partment	
Notes issued -	.	Government debt Other securities Gold coin and bullion	. <u>.</u>
		Silver bullion -	-
	£		ē
Dated the	day of	18 .	— Cashier.
	Banking I	Dep art ment.	Quomios.
	£		£
Proprietors capital - Rest	-	Government securities cluding dead weigh	
Public deposits (to inclu Exchequer, saving bank		nuity) Other securities	-
commissioners of nation		Notes	- -
debt, and dividend a counts)		Gold and silver coin	
Other deposits -	-		
Seven day and other bills	-		_
	£		£
Dated the	day of	18 .	- Cashier.
	SCHED	ULE (B.)	
Name and title as in the licence			Bank.
Name of the firm		<u> </u>	_Firm.
Insert head office, cipal place of iss			_Place.
An Account pursuant to to Bank in circulation of		Wict. Cap. of the Neek ending Saturday th	Totes of the said e day
Monday	•		
Tuesday	-		
Wednesd Thursday		 	
Friday	-		
Saturday	· -		
		6)	
A	maga of the m	rook .	

Sheffield Union Bank.
John Stoveld.
Sunderland Joint Stock Banking Company.
Tugwell and Co.
Union Bank of Manchester.
Vivian, Kitson, and Co.
Watts, Whiteway, and Co.
J. and J. C. Wright and Co.
Webb, Holbrook, and Spencer.

CHAPTER XXXIII.

An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other duties. [1] [19th July 1844.]

TATHEREAS the constitution of boards of guardians for parishes and unions of parishes for the administration of the laws for the relief of the poor in England, together with the appointment of treasurers holding funds contributed by such parishes, affords great facility for the collection of county rates, hundred rates, police rates, and other like rates, authorized to be levied in counties or parts of counties; and it is expedient to relieve high constables from the duties of collecting and paying to the county treasurer the said rates, and from attending at the quarter sessions of the peace of their several counties in certain cases, and from the performance of certain other duties at present by law imposed on them: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the as often as the justices of the peace within the respective limits of their commissions in England have made a county rate or a police rate, or any other rate which may by law be raised in like manner as county rates, or any two or more such rates, such justices assembled at their general or quarter sessions, or at any adjournment thereof, shall order precepts in the form shown in the schedule annexed to this Act, or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union, the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated to be paid by them, out of the monies held by them on behalf of each such parish, to the treasurer of the county or place for which such justices act, and may cause such precepts to be sent by post, or otherwise, to such guardians; and such precepts shall have force in every such union so far as concerns such parishes as are within the limits of the commission of the said justices, notwithstanding that the place of meeting of such guardians may not

Justices of the peace shall send precepts in form in schedule directly to guardians of unions or single parishes for the payment of police rates, &c. Parishes not in arrear with contributions, whose contributions are not paid over, but are applied for the use of those parishes which are in arrear, so that they have to pay the additional 1s. in every 10s., shall be re imbursed by those parishes which are in arrear.

IV. And be it enacted, that in every case where any parish comprised in an union has, on or before the day on which any precept as aforesaid should be obeyed, contributed money sufficient to enable the guardians of the union to pay any sum or sums required by such precept in respect of such parish, as well as to provide for the immediate relief of the poor of such parish, and to satisfy all other obligations of the said guardians in respect of such parish in force on that day, and where, through the default of any other parish or parishes in the same union in contributing money to such guardians, or through the neglect of such guardians to demand sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of such first-mentioned parish to the use of such other parish or parishes, and are thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is by reason thereof compelled to pay the additional sum of one shilling in every ten as herein-before provided, in every such case the guardians of the union shall reimburse such first-mentioned parish such additional sum, and all costs incurred by reason of the premises, out of the monies of such other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be in default as aforesaid the said guardians shall charge such additional sum and costs to every such parish, in proportion to the amount of the deficiency of the contribution of each parish respectively on the day on which the said precept should have been obeyed.

Justices may issue warrants for payment to the overseers of parishes, &c. not comprised in unions, or only partly within the jurisdiction of the justices, without the intervention of the high constable, aud enforce payment from them.

V. And be it enacted, that in the case of every parish not comprised within any union, and in which the laws for the relief of the poor are not administered by a board of guardians, and in the case of every parish comprised in a union the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised within a union, or in which the laws for the relief of the poor are administered by a board of guardians, of which parish a part only is situated within the limits of the commission of any justices, for which part no separate rate is levied for the relief of the poor, and in the case of every place not maintaining its own poor, but liable to the payment of county, police, or other rates as aforesaid, the justices assembled as aforesaid may, , issue their warrant to the overseers, petty constables, peace officers, or other persons empowered by law to rate and levy county, police, or other rates in such parish, part of a parish, or place, to pay to the county treasurer, or to transmit to him in such manner as the said justices may from time to time direct, within a time limited in such warrant. the county rate, police rate, or other rate or rates as aforesaid charged on them. without the agency or intervention of any high constable, and such justices may cause such warrant to be sent by post or otherwise; and in case the said overseers, petty constable, peace officer, or other person refuse or neglect to pay any such rate within the time limited in such warrant the same remedy may be had against them as now by law exists against overseers neglecting to pay on the warrant of the high constable.

Sending of precepts, &c. by post, and delivery thereof.

VI. And be it enacted, that whenever precepts or warrants as provided by this Act are to be sent by post the clerk of the peace shall send every such precept or warrant by post as a registered letter, according to the regulations of the postmaster general in force for the time being in that behalf; and every precept or warrant delivered or tendered as a registered letter at the address

" guardians."

"tration of the laws relating to the poor in England," , or under any local Act; and the word "guardians" shall mean and include any board of guardians acting under the provisions of the said Act passed in the fifth year of his late Majesty King William the Fourth, and empowered to relieve the poor of any parish or union, and the visitors, guardians, directors, managers, acting guardians, vestrymen, or other officers in a union appointed to act in the ordering of relief of the poor from the poor rate under any general or local Act of Parliament; and the word "hundred" shall mean and include any hundred, wapentake, ward, or other district in the nature of a hundred, by whatever name denominated.

SCHEDULE to which this Act refers.

FORM of Precept.

to wit.	To the guardians of the		union.
THESE 8	ere to require you, the guar	rdians of the	union, from and
out of the	monies paid into the hand	s of the treasurer of	your union for the
uses and p	ourposes of the said union,	to pay or cause to l	oe paid, on or before
the	day of	, into the hands	of A.B., treasurer of
the said co	ounty, appointed to receive	the same, the sum o	of ,
being the	amount of the several and	respective sums of	money hereunder set
down and	expressed opposite to and	against the names of	the several parishes,
townships,	or places comprised within	n your said union, t	he said several sums
being resp	pectively charged and ass	sessed thereon as th	e proportion of the
several pa	rishes, townships, or place	ces towards the gen	eral county rate, at
	in the pound, made	at the last quarter	sessions [or general
sessions] o	of the peace held at	in and for the	he said county [and
towards a	police rate, at	in the pound, made	le at the same time
and place]			

[Signature of the clerk of the peace.]

Names of Parishes.	County Rate, at in the Pound.			at	Police Rate, at in the Pound.		
	£	8.	d.	£	6.	d.	

Trustees of ancient endowed schools may apply for parliamentary aid for rebuilding, &c. and consent to such school being open to inspection.

II. And whereas there are many endowments for the purpose of education of the poor in Great Britain of ancient date, the schools whereon have become dilapidated, and, the funds of such endowment being insufficient for the restoration thereof, application is made by the trustees, or by the persons acting in the discharge of the trusts thereof, for aid out of the said parliamentary grant, but the same hath been declined, because such applicants could not impose upon their lawful successors in the said trust the conditions which the said committee would have advised her Majesty to require to secure the due inspection of such schools, and it is expedient to enable them to do so: Be it therefore enacted, that where the major part of the trustees of any endowed school for the education of the poor duly appointed under the terms of the deed of endowment, or, when such deed cannot be found or cannot be acted upon, of the persons who shall be in the possession of the endowment, and shall be acting in the execution of the trusts or the reputed trusts thereof, shall, and in cases where there shall be a visitor of such school with the consent of such visitor in writing, apply for aid out of such parliamentary grant to enable them to rebuild, repair, or enlarge the school belonging to such endowment, or the residence of the master or mistress thereof, or to furnish such school, and shall in writing assent to the said school being open to inspection on behalf of her Majesty and her successors, if the said committee shall deem fit to advise that any such grant shall be made, it shall immediately after the making of such grant, and thenceforth from time to time, be lawful for any inspector of schools appointed by her Majesty and her successors, in conformity with the terms contained in the writing testifying such consent as aforesaid, to enter the said school at all reasonable hours in the day for the purpose of inspecting and examining the state and condition of the school and the scholars thereat, and of making such report thereon as he shall deem fit.

III. And whereas by an Act passed in the fifth year of the reign of her present Majesty, intituled "An Act to afford further facilities for the con-" veyance and endowment of sites for schools," it is enacted, that any person, being seised in fee simple, fee tail, or for life, of and in any manor, or lands of freehold, copyhold, or customary tenure, may grant, convey, or enfranchise. and subject to the provisions therein mentioned, any quantity not exceeding one acre of land as a site for a school or otherwise, as therein likewise specified; and it is desirable to prevent any such grant, being of so limited an interest, from being defeated by the death of the grantor: Be it enacted, that where any deed shall have been or shall be executed under the powers and for the purposes contained in the said Act, without any valuable consideration, the same shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof.

IV. And whereas it was provided by the said Act that grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, might be made to the minister of any parish, being a corporation, and the churchwardens or chapelwardens and overseers of the poor and their successors, and it is sometimes found inexpedient or impracticable to introduce the overseers as parties to the legal estate: Be it therefore enacted, that such granted under the said Act to grants may be made to the minister and churchwardens of any parish, such

Death of donor within twelve calendar months not to avoid an otherwise lawful grant for site of school under 4 & 5 Vict. c. 38.

Site may be granted under As to authentication and effect of lists, specifications, &c.

CHAPTER XLIV.

An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called Scotland. [19th July 1844.]

Scotch Act, 1707, c. 9.

HEREAS by certain Acts of the Parliament of Scotland provision is made for disjoining large parishes and building and erecting new churches; and in particular by an Act passed in the Parliament of Scotland in the year one thousand seven hundred and seven, intituled "Act anent " plantation of kirks and valuation of teinds," the lords of council and session are empowered, authorized, and appointed to judge, cognosce, and determine in all affairs and causes whatsoever which by the laws and Acts of Parliament of the Kingdom of Scotland were formerly referred to and did pertain and belong to the jurisdiction and cognizance of the commissioners formerly appointed for the plantation of kirks and valuation of teinds, as fully and freely in all respects as the said lords do or may do in other civil causes particularly, inter alia, "to disjoin too large paroches, to erect and build new " churches, to annex and dismember churches, as they shall think fit, conform " to the rules laid down and powers granted by the nineteenth Act of the " Parliament one thousand six hundred and thirty-three, the twenty-third and " thirtieth Acts of the Parliament one thousand six hundred and ninety, and " the twenty-fourth Act of the Parliament one thousand six hundred and " ninety-three, in so far as the same stand unrepealed; the transporting of " kirks, disjoining of too large paroches, or erecting and building of new kirks, " being always with the consent of the heritors of three parts of four at least of " the valuation of the paroch whereof the kirk is craved to be transported, or " the paroch to be disjoined and new kirks to be erected and built ": And whereas it is expedient to afford facilities and to make further provision for the disjoining or dividing of extensive or populous parishes: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing

So much of recited Act

new parish shall belong to the patron of the original parish from which the

same has been disjoined or divided; or, if the new parish has been disjoined or divided from more than one parish having different patrons, the patronage of such new parish shall belong to the patrons of the parishes from which the same has been disjoined or divided, and shall be exercised by them either jointly or in a certain order of rotation, as may have been agreed upon by them, or, failing of such agreement, then their respective interests in the right of patronage, and the manner of exercising the same shall be fixed by the lords of council and session, and in either case shall be set forth in a judgment to be pronounced by the said lords of council and session in the process for erecting such new parish: Provided always, that such patron or patrons of the original parish or parishes from which the new parish has been disjoined or divided shall undertake to bear the burden of not less than one half of the stipend to be provided to the minister of such new parish: Provided also, that no patron of any of the original parishes who shall not bear the burden of one fourth part of the stipend of the minister of the new parish shall have any right or interest in the patronage of such new parish by virtue of his right of patronage in such original parish; and in every case in which the patron or patrons of the original parish or parishes shall not bear the burden of not less than one half of the stipend to be provided to the minister of the new parish the patronage of such new parish, and the right of presentation to the kirk thereof, shall belong to the person, if there be only one such person, or to the persons alternately, if there are more than one and not more than three such persons, who shall bear the burden of the whole stipend provided for the minister of such new parish at the erection thereof, and to the heirs of such person or persons; and if the persons who bear the burden of such stipend shall exceed three in number, then the patronage of such new parish, and the right of presentation to the kirk thereof, shall be vested in and be exercised by three trustees, or, in case of difference of opinion, by the majority of three trustees, who shall be chosen for their respective lives in manner following; (that is to say,) the three trustees first chosen shall be elected by a majority of votes at a meeting of the heritors of such new parish, and of the persons who are liable in payment of stipend to the minister thereof, or who have contributed the sum of five pounds towards the fund out of which any part of the stipend is provided, or towards the expence of providing the church for such new parish; and upon the death, disability, or resignation of any of the trustees so chosen another trustee in his place shall be elected for life by the heritors and kirk session of the parish; and as often as any vacancy shall happen by the death, disability, or resignation of any trustee his place shall be supplied in like manner by another trustee, to be elected for life by the

•

Stipend how

to be borne.

Patronage when to be vested in trustees.

VI. AND whereas in some large and populous parishes which it may be considered necessary or proper to divide into two or more parishes there are a number of poor persons, the greater portion of whom reside in or near the same locality, such locality being sometimes the least wealthy, whereby the particular territorial division of such large and populous parish which would be most expedient and advantageous in other respects would operate

heritors and kirk session of the parish: Provided always, that no person shall be qualified to hold the office of trustee who is not a member of the Church

of Scotland in full communion therewith.

Church to be secured as parish church in connexion with established church, and provision made for maintenance of fabric and endowment of minister.

Manse.

Right of presbyteries to present, jure devoluto, to prevail.

Distribution of pews.

Application of pew rents.

intimation may be made by notice in the Edinburgh Gazette, or by advertisement in one or more Edinburgh newspapers of general circulation, or in any other form or manner that may be directed by the lords of council and session in any act or acts of sederunt, or any order to be made by them for that purpose: And provided also, that the titles to the said church shall be taken and conceived so as that the said church shall be inalienably secured as the church of the said new parish in connexion with the Church of Scotland, and that due provision shall be made for the future maintenance of the fabric of the said church; and that the endowment for the minister of the said new parish shall be not less than a stipend of one hundred pounds per annum, or seven chalders of oatmeal, to be calculated at the highest fiars of the county, exclusive of the sum necessary for communion elements, with a suitable dwelling house or manse and offices and appurtenances, or a stipend of not less than one hundred and twenty pounds, or eight and a quarter chalders of oatmeal, to be calculated at the highest fiars of the county, per annum, where there shall be no such dwelling house or manse; and that such stipend of not less than one hundred pounds, or not less than one hundred and twenty pounds, shall be permanently provided and secured in all time coming for the minister of the said parish; and that if there shall be a dwelling house or manse the title to such dwelling house or manse and offices and appurtenances shall be taken and conceived so that such dwelling house or manse and offices and appurtenances shall be inalienably secured as the dwelling house or manse and offices and appurtenances for the minister of the said parish; and that due provision shall be made for the future maintenance of the fabric of such dwelling house or manse and offices and appurtenances, all to the satisfaction of the said lords of council and session; and the right of presbyteries to present to vacant parishes jure devoluto, according to the law of Scotland, shall have place in regard to all parishes erected quoad sacra as aforesaid, in the same manner as in regard to other parishes.

IX. And be it enacted, that in every such church as aforesaid a portion of the sittings therein, to be determined by the sheriff of the county in which such church is situated, and not exceeding one tenth of the whole sittings, shall be set apart as free seats for all persons frequenting the same; and another portion of the sittings therein, not exceeding one fifth of the whole sittings, shall be let at rents not exceeding a rate to be fixed by the presbytery of the bounds; and the remaining portion of the sittings may be let in such manner as shall be agreed upon by the minister for the time being and the person or persons liable for the repair of the church and for the stipend of the minister, or, in case of not agreeing, then in such manner as shall be determined by the sheriff of the county as aforesaid: Provided always, that one pew shall be appropriated, rent-free, for the accommodation of the family of the minister, and another pew for the officiating elders; and the pew or seat rents of any such church as aforesaid may be expended and applied for the purpose of defraying the necessary expences of a precentor, a beadle or kirk officer, and other expences necessarily incurred in dispensing the ordinances of religion therein, and not otherwise provided for, and for the purpose of upholding in due repair and improving the fabric of such church, or of the dwelling house and offices of the minister, or for the relief of any person or persons who may have undertaken or become liable to uphold the same, or

XI. And be it enacted, that it shall and may be lawful for any heir of

Lands of persons under disability may be burdened for endowments and repairs.

entail in Scotland to burden the lands and estate of which he or she is in possession as heir of entail aforesaid, lying within any district to be marked out and designated as aforesaid, or to give security over the same, for the annual payment out of the clear yearly rents and profits of the said lands and estate of any sum not exceeding three pounds per centum of such clear yearly rents and profits, after deducting all prior burdens and provisions, as the same shall be ascertained by an average of the five years immediately preceding such burden or security, and in no case exceeding the yearly sum of one hundred and twenty pounds, for the purpose of endowing or contributing to the endowment of such new parish as aforesaid; and also to burden such lands and estate, or give security over the same, for upholding in due repair the fabric of the church of such new parish, and the dwelling house and offices of the minister or any of them; the sums to be expended in such repairs not exceeding in any one year one pound per centum on the amount of money originally expended in building or purchasing and completing such church, or upon the estimated value thereof when received and recognized as the church of such new parish, and one pound per centum on the amount of money originally expended in building or purchasing and completing such dwelling house and offices, or upon the estimated value thereof; and such heir of entail shall not, by reason of such acting as aforesaid, be subject to nor incur any forfeiture or irritancy under any deed of entail by virtue of which he or she may hold such lands or estate, and such burdens and securities shall be as valid and effectual against such lands and estates as if the same had not been entailed: Provided always, that no such burden or security as aforesaid shall be effectual unless the heir of entail nearest in succession, of lawful age, and not under legal disability or incapacity, shall have consented thereto, which consent may be given judicially, or by letter or other writing under the hand of such heir of entail nearest in succession: Provided also, that if such heir of entail nearest in succession as aforesaid shall be an heir of the body of the heir of entail in possession who intends to create such burden or security, then such heir of entail in possession shall, three months at least before creating the same, give notice of such his intention, in writing, to the heir of entail next entitled to succeed to the said estate after the heirs of his own body, if within Great Britain or Ireland, and, if the heir next entitled to succeed is not within Great Britain or Ireland, to his nearest male relation by the father, of lawful age, or to his known factor or attorney; and before any such burden or security as aforesaid shall be created evidence shall be produced, to the satisfaction of the said lords of council and session, that such consent as aforesaid, and such notice as aforesaid, where required, have been given, and that the means of public worship for the inhabitants of such district are wanting, and cannot be adequately provided unless the power hereby given of burdening the entailed estate shall be exercised to the extent proposed.

next heir not under disability required.

Consent of

XII. AND whereas in some populous parishes and districts in the low country of Scotland, particularly in large towns and in the neighbourhood of cities and royal burghs, there are a great number of persons, natives of the highlands and islands of Scotland, who do not understand the English

parish quoad sacra; and in every such case the place of worship built or provided as aforesaid may be held and appointed to be the church of such parish, and the dwelling house and appurtenances provided for the minister may be held and appointed to be the dwelling house of the minister of such parish; and the provisions contained in the said two last-mentioned Acts may be held and taken to be sufficient provisions for upholding in repair such church and dwelling house and appurtenances, and a stipend of one hundred and twenty pounds, payable under the provisions of the said Acts, may be held to be sufficient stipend for the minister of the said parish; and it shall and may be lawful for the minister and elders of such parish to have and enjoy the status and all the powers, rights, and privileges of a parish minister and elders of the Church of Scotland.

If any place in which a church has been erected under recited Acts is made a parish quoad omnia, such church may be appointed as the parish church.

Charge of future repairs thereof.

Stipend of minister.

Right of nomination.

Provisions of 50 Geo. 8. c. 84. and c. 72. not to extend to parishes erected under the present Act.

XV. AND be it enacted, that if in any case in which a place of worship has been built, and a district has been defined and set apart, under the provisions of the said two last-recited Acts, application shall be made to the said court to erect such district alone, or such district with additions thereto, into a new parish quoad omnia, with the requisite consent of heritors, and that the said court shall give effect to such application, it shall and may be competent for the said court to declare and appoint the place of worship already erected in such district to be the church of such new parish, and to appoint and declare the dwelling house already erected for the minister to be the manse of such new parish; and the commissioners under the said last-recited Acts shall thereupon cease to hold such place of worship and such dwelling house for the purposes of the said last-recited Acts; and the provisions contained in the said last-recited Acts for upholding such place of worship and such dwelling house in repair shall cease and determine, and the burden of upholding the same shall fall on the parties who by the law of Scotland would be bound to uphold the church and manse of the parish if such church and manse had been appointed to be built for the newly-erected parish; and in fixing the stipend to be paid to the minister of such newly-erected parish the said court shall compute as stipends the sum paid by authority of the said lastrecited Acts to the minister in such district, which sum shall be continued to be paid to the minister of such newly-erected parish: Provided always, that the right of her Majesty, her heirs and successors, to nominate and appoint the minister to such church and district shall remain entire, notwithstanding the erection thereof into a separate parish.

XVI. AND be it enacted, that the provisions of the Act passed in the fiftieth year of the reign of his Majesty King George the Third, intituled "An "Act for augmenting parochial stipends in certain cases in Scotland," and the provisions of the Act passed in the fifth year of the reign of his Majesty King George the Fourth, intituled "An Act for amending and rendering more "effectual an Act for augmenting parochial stipends in certain cases in "Scotland," shall not be extended to any new parishes erected under the provisions of this Act, although the stipend or endowment modified or provided for the minister of any such new parish should be less than one hundred and fifty pounds sterling.

Application of funds for benefit of congregation, minister, &c.

Where doctrines, &c. to be preached, &c. are expressly declared, such declaration shall be followed notwithstanding any different usage.

meeting house, together with any burial ground, Sunday or day school, or minister's house, attached thereto; and any fund for the benefit of such congregation, or of the minister or other officer of such congregation, or of the widow of any such minister, shall not be called in question on account of the doctrines or opinions or mode of worship so taught or observed in such meeting house: Provided nevertheless, that where any such minister's house, school, or fund as aforesaid shall be given or created by any will, deed, or other instrument, which shall declare in express terms, or by such reference as aforesaid, the particular religious doctrines or opinions for the promotion of which such minister's house, school, or fund is intended, then and in every such case such minister's house, school, or fund shall be applied to the promoting of the doctrines or opinions so specified, any usage of the congregation to the contrary notwithstanding.

CHAPTER XLVI.

An Act to continue, until the Fifth Day of April One thousand eight hundred and forty-six, Compositions for Assessed Taxes; and to amend certain Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes.

[29th July 1844.]

III. And whereas difficulties have arisen in carrying into execution the several Acts relating to the duties of assessed taxes, and the duties on profits arising from property, professions, trades, and offices, in divers privileged and other places, by reason of doubts as to whether such places are extra-parochial, or included within or forming part of any parish, tithing, or place for which separate assessments of the said duties have been usually heretofore made: For remedy whereof be it enacted, that it shall be lawful for the commissioners of stamps and taxes, or any two or more of them, and they are hereby authorized and empowered, from time to time, by any order in writing under their hands, to order and direct that any privileged or other place, whether extra-parochial or not, but not being itself an entire parish, shall, for the purposes of assessing, charging, collecting, and levying the said duties respectively, and for all other the purposes of the several Acts aforesaid, be deemed to be within or part of such district or division, and within or part of such parish, tithing, ward, or place respectively, as shall appear to the said commissioners to be most convenient and proper for the purposes aforesaid, and thereupon such privileged or other place shall be deemed to be within or part of such district or division, and within or part of such parish, tithing, ward, or place, according to such order, for all the purposes aforesaid; and the said respective duties shall be assessed, charged, raised, collected, and levied within such privileged or other place, and upon the occupiers or inhabitants thereof, by or under the authority of the commissioners appointed or authorized to put in execution the said respective Acts in the district or division, and by the assessors, collectors, or other officers appointed for the parish, tithing, ward, or place, within or part of which such privileged or other place shall be by any such order as aforesaid declared or directed to be deemed to be, any law. statute, or usage to the contrary notwithstanding: Provided always, that it

Commissioners of stamps and taxes empowered to direct within what districts and parishes privileged and other places shall be rated to the assessed taxes and property tax, and the taxes shall be assessed, &c. accordingly.

determined by the said respective commissioners within their district at such time and place as they shall appoint for that purpose, of which due notice shall be given to the party assessed or charged as aforesaid.

V. AND whereas by the said Acts relating to the said respective duties the commissioners for putting the same in execution respectively are required or directed to hold certain meetings, and to appoint certain officers, and also to do and perform divers other acts, matters, and things, in the execution of the powers and provisions of the said Acts, before or upon certain days or times appointed and prescribed by the said Acts for such purposes respectively: And whereas, in cases where the said commissioners have omitted to put in execution the powers and provisions of the said Acts within or at the times so appointed and prescribed as aforesaid, doubts have arisen as to the legality of their execution of such powers and provisions at any subsequent period, and it is expedient to remove such doubts: Be it therefore enacted, that where in any case the said respective commissioners have neglected or omitted, or shall hereafter neglect or omit, to hold any meeting, or to appoint any officer, or to do or perform any other act, matter, or thing, in the execution of the powers and provisions of the said Acts respectively, within or at the time directed, appointed, or prescribed by the said Acts in that behalf, the holding of such meeting, and the appointment of such officer, and the performance of any such other act, matter, or thing as aforesaid at any other time or times shall, notwithstanding any such neglect or omission, be and be deemed to have been respectively as good, valid, and effectual to all intents and purposes as if the same respectively had been held, made, done, or performed within or at the time and according to the manner and circumstances directed, appointed, or prescribed as aforesaid, any thing in the said Acts contained to the contrary thereof notwithstanding.

Acts done by commissioners in execution of the powers of the Acts as to assessed taxes, &c. declared valid, although not done within the times prescribed for that purpose.

VI. And whereas by the said Acts relating to the said duties respectively the commissioners acting in the execution thereof are required to direct their precepts to such inhabitants of each parish, ward, or place, and such number of them, as they shall think most convenient, to be presenters and assessors for such parish, ward, or place, requiring them to appear before the said commissioners at such place and at such time as they shall appoint, in order that such of the said inhabitants as the said commissioners shall think proper may be appointed assessors of the said several duties: And whereas it frequently happens that the persons to whom such precepts are directed wilfully disobey the same, whereby the execution of the said Acts is greatly impeded: Be it therefore enacted, that if any person to whom any such precept as aforesaid shall be directed shall wilfully neglect or refuse to appear before the said respective commissioners according to the tenor and effect thereof, or, having appeared, shall refuse to submit to be appointed an assessor of the said duties or of either of them respectively, in the manner and form by the statute in such case directed and provided, every person so offending in any such case as aforesaid shall forfeit and pay for every such offence the sum of ten pounds, to be recovered and applied in like manner as any penalty incurred under the said Acts or any of them may be recovered and applied.

l'enalty on persons refusing to appear before the commissioners to be appointed assessors, or refusing to submit to be appointed, 10l.

VII. And whereas by an Act passed in the forty-ninth year of the reign of King George the Third, intituled "An Act for continuing and making per" petual several duties of one shilling and sixpence, repealed by an Act of the

Recital of 49 Geo. 3. c. 32. and c. 110. "frauds and abuses committed by weavers, sewers, and other persons employed in the linen, hempen, union, cotton, silk, and woollen manufactures in "Ireland, and for the better payment of their wages": And whereas it is expedient that the first herein-before recited Act should be continued, with such amendments as are herein-after contained, and that the secondly and thirdly herein-before recited Acts should also be continued: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said first herein-before recited Act, except as to such parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the amendments herein-after contained, and the said

secondly and thirdly herein-before recited Acts, shall be continued and shall be and remain in force from the passing of this Act for five years, and until the end of the

next session of Parliament. [Rep., Stat. Law Rev. Act., 1874 (No. 2).]

Recited Acts continued.

II. AND whereas several of the penalties imposed by the said first herein-before recited Act for the offences therein described are directed to be not less in amount than certain sums in the said Act respectively named, and it is expedient that power should be given to the convicting justices still further to lessen the same: Be it therefore enacted, that it shall be lawful for any justices or justice or chief magistrate by whom any person shall be convicted of any offence under the said first herein-before recited Act to award, in respect of any offence punishable under the said Act, any penalty whatsoever, not being greater than the maximum penalty assigned for such offence by the said Act; and the said Act shall hereafter take effect and be continued as if no such minimum limits as are herein-before referred to had been respectively assigned to the penalties thereby imposed.

5 & 6 Will. 4. c. 47. s. 9.

Justices

penalties imposed by

the Act 5 & 6 Will. 4.

c. 27.

empowered to

reduce the

III. AND whereas by the said first-mentioned Act it is enacted, that for the purposes thereof all linen which shall be sold or exposed for sale within the custom gaps or custom gates of any fair or market on the respective fair or market days, between the hours therein-after mentioned, (that is to say,) between ten of the clock in the forenoon and two of the clock in the afternoon from the twenty-fifth day of March until the twenty-fifth day of September in each year, and between eleven of the clock in the forenoon and two of the clock in the afternoon from the twenty-fifth day of September until the twenty-fifth day of March in each year, shall be deemed and taken to be sold or exposed for sale in open fair or market, and none other; any law, usage, or custom to the contrary notwithstanding: And whereas it is expedient that the hour of ten of the clock in the forenoon, from the twenty-fifth day of September to the twenty-fifth day of March in each year, should be fixed, instead of eleven of the clock in the forenoon during the like period, as the time at which open fairs and markets should, for the purposes of the said first herein-before mentioned Act, be deemed to commence: Be it therefore enacted, that from and after the passing of this Act all linen that shall be sold or exposed for sale within the custom gaps or custom gates of any fair or market on the respective fair days, between the hour of ten of the clock in the forenoon and two of the clock in the afternoon, whatever may be the period of the year, shall for the purposes of this Act be deemed and taken to be sold or exposed for sale in open fair or market, and none other; any thing in the said first herein-before recited Act, and any law, usage, or custom, to the contrary notwithstanding.

All linen sold, &c. within the custom gaps or gates of any fair or market between ten and two o'clock at any period of the year, shall be deemed to be sold in open fair or market.

may establish rates of colonial postage, and alter them from time to time.

Warrants

laid before

l'arliament.

establishing rates of colonial postage to be published in London Gazette, and

Rates of colonial postage, where posts are established by postmaster general, to be paid over to him, and applied, after payment of expences, in improving postal communications in the colony, and the surplus for the public service of the colony.

Repeal of part of sect. 83 of 8 & 4 Vict. c. 96.

Commissioners of the Treasury may extend provisions of Post Office Acts to all or any of the colonies.

the passing of this Act, by warrant under their hands, to alter and fix any of the rates of colonial postage payable by law for the transmission of letters by the post, and to subject the same to rates of postage according to the weight thereof, and a scale of weight to be contained in such warrant, and from time to time, by warrant as aforesaid, to alter or repeal any such altered rates, and make and establish any new or other rates in lieu thereof, and the rates of colonial postage from time to time to become payable under or by virtue of any such warrant shall be charged and paid accordingly, and from time to time, by warrant as aforesaid, to appoint at what time the rates which may be payable are to be paid; and the power hereby given to alter and fix rates of postage shall extend to any increase or reduction or remission of postage.

IV. AND be it enacted, that in all cases in which any rates of colonial postage shall be made payable under or by virtue of any warrant of the commissioners of her Majesty's Treasury under this Act every such warrant shall be published in the London Gazette, and shall, within fourteen days after making the same, be laid before both Houses of Parliament if then sitting or otherwise within fourteen days after Parliament shall re-assemble: Provided that any rates made payable by any such warrant may be demanded and taken at any time after they shall have been so published in the London Gazette, although the same shall not then have been laid before Parliament.

V. And be it enacted, that the rates of colonial postage now or hereafter payable within any of her Majesty's colonies, where posts or post communications have been or shall hereafter be established by or under the authority of her Majesty's postmaster general, shall be charged by and be paid to her Majesty's postmaster general for the time being, or his deputies or agents in such colony, and, after deducting the expences of collection and management of the post office in any such colony, and payment of the salaries and wages of the officers and servants employed in or about the same, shall be appropriated and applied, by or under the authority of the postmaster general for the time being, to the improvement and extension of the posts and post communications of the colony within which such postage shall be raised, and the surplus thereof shall be applied for the public service of such colony, and the support of the government thereof, in such manner as the commissioners of her Majesty's Treasury for the time being may from time to time by writing under their hands direct.

VII. And be it enacted, that so much of the thirty-third section of the said Act of the third and fourth years of the reign of her present Majesty, intituled "An Act for " the regulation of the duties of postage," as contains the words "and where rates of " postage have not hitherto been authorized by law," shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

IX. And be it enacted, that it shall be lawful for the commissioners of her Majesty's Treasury, from time to time and at all times after the passing of this Act, by warrant under their hands, to extend to all or any of her Majesty's colonies any of the enactments, clauses, and provisions (not then relating to or affecting the colonies) contained in the said last-mentioned Act, and also any of the enactments, clauses, and provisions (not then relating to or affecting the colonies) contained or which may be contained in any other of the Post Office Acts now or hereafter to be in force, and from time to time to revoke any liable to a penalty not exceeding five pounds; and in all such cases the proof of exemption shall be upon the person claiming the same.

5 & 6 Vict. c. 109. s. 21. (exempted places.)

Exemptions and disqualifications of residents in parts of parishes included in exempted boroughs or places.

IV. And whereas by the said Act it is provided, that nothing therein contained shall apply to certain boroughs and places therein specified: And whereas doubts have been entertained as to the powers of the justices to appoint constables for any parish of which part shall be within and part without such exempted borough or place: Be it declared and enacted, that with respect to any such parish the exemptions provided by the said Act shall be deemed only to exempt the men residing within that part of the parish which is within such exempted borough or place from serving as constables under the said Act, or being included in any list to be made out under the said Act, and to disqualify the inhabitants of such part from voting in any division of the vestry under the said Act.

CHAPTER LV.

An Act to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [29th July 1844.]

TATHEREAS an Act was passed in the session of Parliament holden in the fourth and fifth years of the reign of her present Majesty Queen Victoria, intituled "An Act for the commutation of certain manorial rights in " respect of lands of copyhold and customary tenure, and in respect of other " lands subject to such rights; and for facilitating the enfranchisement of such " lands, and for the improvement of such tenure," and was amended and explained by an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of her present Majesty; and it is expedient further to amend and explain the said Acts in certain respects: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the provisions of the aforesaid Acts, or either of them, as to the recovery of expenses, costs, and charges to be paid by any tenant, being a trustee and not beneficially interested in the lands, of which he stands admitted tement, to be affected by any commutation or enfranchisement under the aforesaid Acts or this Act, shall extend as well to cases in which there shall not be an apportionment on commutation or enfranchisement in pursuance of the said aforesaid Acts or this Act as to cases in which there shall be an apportionment on commutation or enfranchisement in pursuance thereof.

4 & Viet. c. 35.

6 & 7 Vict. c. 23.

Provisions of former Copyhold Acts as to recovery of expences, costs, &c. to be paid by tenant who is a trustee of lands affected, shall extend to cases where there shall not be an apportionment as well as to those where there is.

[[]e All the provisions of the Copyhold Acts which authorize commutations by schedule of apportionment, and also all the provisions which authorize commutations by a schedule to be prepared by the steward, and also all the provisions which authorize enfranchisement by schedule of apportionment, and also all the provisions which authorize the charging of enfranchisement or compensation moneys or the expenses of commutations or enfranchisements upon land, are rep., 21 & 22 Vict. c. 94. s. 2.

distress, &c. for nonpayment to rent-charges under 6 & 7 Vict. c. 23. and this Act.

This Act to be construed as a part of the recited Acts.

applicable to all rent-charges granted and made payable under and by virtue of the said secondly herein-before recited Act or this Act.

VIII. AND be it enacted, that this Act shall be taken and construed to be part of the aforesaid Acts, and that all proceedings which may have been had, and all commutations and enfranchisements which may have taken place, under the said recited Acts or either of them, and all matters and things incident thereto, shall be of the same force, validity, and effect as if the provisions of this Act had been contained in the said first-recited Act.

CHAPTER LVI.

An Act concerning Banns and Marriages in certain District Churches or Chapels. [29th July 1844.]

69 Géo. 3. c. 184.;

1 & 2 Will. 4. c. 88.;

1 & 2 Vict. c. 107.;

8 & 4 Vict. c. 60.

Where a district is assigned to any church or chapel under 1 & 2 Will. 4. c. 38. the church building commissioners or the bishop to decide whether banns, &c. shall be published and marriages solemnized therein. Isaue and effect of certificate in cases where it shall be determined that banns may be published and marriages solemnized.

TATHEREAS an Act was passed in the fifty-ninth year of the reign of King George the Third, intituled "An Act to amend and render more " effectual an Act passed in the last session of Parliament, for building and " promoting the building of additional churches in populous parishes": And whereas another Act was passed in the second year of the reign of his late Majesty, intituled "An Act to amend and render more effectual an Act passed " in the seventh and eighth years of the reign of his late Majesty, intituled " 'An Act to amend the Acts for building and promoting the building of " 'additional churches in populous parishes'": And whereas another Act was passed in the second year of the reign of her present Majesty, intituled "An " Act to amend and render more effectual the Church Building Acts": And whereas another Act was passed in the fourth year of the reign of her said Majesty, intituled "An Act to further amend the Church Building Acts": And whereas doubts are entertained whether banns of matrimony can be published or marriages be solemnized in churches or chapels to which districts have been or may hereafter be assigned under the said recited Act passed in the second year of the reign of his late Majesty; and it is expedient to remove such doubts: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in every case in which a district has been or shall be assigned to any church or chapel under the provisions of the said last-mentioned Act it shall be lawful for her Majesty's commissioners for building new churches, with the consent of the bishop of the diocese, in every such case as has come or shall come before the said commissioners under the provisions of the said last-mentioned Act, and for the said bishop in every such other case, to determine whether banns of matrimony shall be published and marriages solemnized in any such church or chapel aforesaid or not.

II. And be it enacted, that when and so soon as it shall be determined that banns of matrimony may be published and marriages solemnized in any such church or chapel, the bishop of the diocese within which such church or chapel shall be locally situated, whether in any parish or extra-parochial place, or otherwise, shall certify the same, and such certificate shall be kept in the chest of the church or chapel with the books of registry thereof, and a copy thereof shall be entered in the books of the registry of banus and

signed under 59 Geo. 3. c. 134. may be cured by supplemental order. marriages may be performed in such chapel, it shall be lawful for her Majesty, by any supplemental order in council, on a representation to be made to her by the said commissioners, with the consent of the bishop of the diocese, to order that marriages may be performed thereafter in such chapel; and that all the fees arising therefrom, or a part thereof, should thereafter belong and be paid to the minister of such chapel, or after the next avoidance of the parish church, or that all or a portion of such fees should belong and be paid to the incumbent of such parish church; and all the laws in force relating to banns of marriage, and marriages in district chapels, and the registering thereof, shall apply to marriages performed under such supplemental order in council.

V. AND be it enacted, that in any representation to her Majesty in council, or in any order of council to be made thereon, or in any other matter or thing done under their common seal by the said commissioners under the authority of the herein-before recited Acts or any other Act of Parliament, it shall be sufficient to refer to the section or sections as numbered in copies printed by the Queen's printer of the Act or Acts under the authority whereof such representation or order in council is made, or such matter or thing done, and it shall not be necessary to recite any of the provisions of such section or sections.

VI. And be it enacted, that every order in council under the provisions of the herein-before recited Acts or any of them, or under the provisions of any other of the Church Building Acts, shall, as soon as may be after the making thereof by her Majesty in council, be inserted and published in the London Gazette in like manner as any order in council made under the Acts regulating the proceedings of the ecclesiastical commissioners of England is published in such Gazette, and it shall not be necessary to enrol in the Court of Chancery any map or plan or description of the boundaries of any division or district formed under the provisions of the herein-before recited Acts, or any other of the Church Building Acts; and a map or plan on which shall be marked such boundaries, and which shall be sealed with the common seal of the said commissioners for building new churches, and the order in council annexed thereto, shall be registered in the registry of the diocese in the manner directed by the Act passed in the fourth year of the reign of her present Majesty, intituled "An Act to carry into effect, with certain modifications, the fourth " report of the commissioners of ecclesiastical duties and revenues," and shall be subject to such and the like provisions in all respects relating thereto as are contained in the same Act: Provided always, that nothing in this Act contained shall be taken to repeal or affect any of the authorities contained in an Act of Parliament passed in the seventh year of the reign of his late Majesty, intituled "An Act for marriages in England," for licensing any churches or chapels for the solemnization of marriages therein.

In any representation to the Queen in council. order in council, or other document, sections of Acts proceeded under may be referred to by numbers in Queen's printer's copies. Every order in council under the Church Building Acts to be published in the London Gazette, and registered. with a mep and description of boundaries, in diocesan registry under provisions of 3 & 4 Vict. c. 113., but the map need not be enrolled in Chancery.

6 & 7 Will. 4. c. 85. as to licensing churches, &c. for solemnization of marriages not to be affected. Power to appoint persons in holy orders to the office of church clerk, and to require such persons to act as assistant curates, if necessary.

Such persons to be liable to suspension or removal as stipendiary curates.

Appointments made other-wise than by the incumbent to be subject to his approval.

Persons appointed to obtain a curate's licence before acting as such.

Appointments of assistant clergy under this Act not to exempt incumbents from the duty of providing curates in cases where they are now liable.

II. And be it enacted, that when and so often after the passing of this Act as any vacancy shall occur in the office of church clerk, chapel clerk, or parish clerk, in any district, parish, or place, it shall be lawful for the rector or other incumbent or other the person or persons entitled for the time being to appoint or elect such church clerk, chapel clerk, or parish clerk as aforesaid, if he shall think fit, to appoint or elect a person in the holy orders of deacon or priest of the United Church of England and Ireland to fill the said office of church clerk, chapel clerk, or parish clerk; and such person so appointed or elected as aforesaid shall, when duly licensed as herein-after provided, be entitled to have and receive all the profits and emoluments of and belonging to the said office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical duties within such district, parish, or place as the said rector or other incumbent, with the sanction of the bishop of the diocese, may from time to time require; but such person in holy orders so appointed or elected as aforesaid shall not by reason of such appointment or election have or acquire any freehold or absolute right to or interest in the said office of church clerk, chapel clerk, or parish clerk, or to or in any of the profits or emoluments thereof, but every such person in holy orders so appointed or elected as aforesaid shall at all times be liable to be suspended or removed from the said office, in the same manner and by the same authority, and for such or the like causes, as those whereby any stipendiary curate may be lawfully suspended or removed; such suspension or removal nevertheless being subject to the same power of appeal to the archbishop of the province to which any stipendiary curate is or may be entitled.

III. PROVIDED always, and be it enacted, that every such appointment or election as last aforesaid, if made by any other person or persons than the rector or other incumbent of such district, parish, or place, shall be subject to the consent and approval of such rector or other incumbent of such district, parish, or place; and that no person in holy orders so appointed or elected as aforesaid shall be competent to perform any of the duties of his said office, or any other spiritual or ecclesiastical duties, within such district, parish, or place, or to receive or take any of the profits or emoluments of his said office, unless and until he shall have duly obtained from the bishop of the diocese within which such district, parish, or place is situate such licence and authority in that behalf as are required and usual in respect of stipendiary curates; but nevertheless such licence and authority, when so obtained as aforesaid, shall entitle the person so obtaining it to hold the said office, and to receive and take the profits and emoluments thereof as aforesaid, until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other re-appointment or re-election thereto.

IV. PROVIDED also, and be it enacted, that no rector or other incumbent of any district, parish, or place wherein any such person or persons shall be so employed as aforesaid, or wherein any lecturer or preacher shall have been required to undertake and perform other clerical and ministerial duties, in the manner herein-before provided, or wherein any person in holy orders shall have been appointed or elected to fill the office of church clerk, chapel clerk, or parish clerk as aforesaid, shall by reason of any such provisions be exempt from any duty or obligation of employing within the same district, parish, or place any curate or other assistant to which by any law, statute, canon, or

Power to remove person ceasing to be employed as mentioned in this Act from premises held by him in right of his employment;

VI. And be it enacted, that in case any person, having ceased to be employed in any of the offices or duties in this Act mentioned or referred to, or having been duly suspended or removed from any such office or employment as aforesaid, shall at any time refuse or neglect to give up the possession of any house. building, land, or premises, or any part or parcel thereof, by him held or occupied by virtue or in respect of any such office or employment as aforesaid, it shall be lawful for the bishop of the diocese, upon complaint thereof to him made, to summon such person forthwith personally to appear before him, and to show cause for such refusal or neglect; and upon the failure of the person so summoned as aforesaid to obey such summons, or, upon his appearance, to show to the said bishop such cause as may be deemed by the said bishop sufficient for such refusal or neglect, the said bishop shall thereupon grant a certificate of the facts aforesaid, under his hand and seal, to the person or persons entitled to the possession of such house, building, land, or premises as aforesaid, who may thereupon go before any neighbouring justice of the peace; and such justice, upon production of such certificate, and proof of such wrongful retention of possession as aforesaid, shall and he is hereby required to issue his warrant under his hand and seal, directed to the constables or other peace officers of the district, parish, or place within which such house, building, land, or premises is or are situate, or to the constables or other peace officers of any neighbouring district, parish, or place, requiring them forthwith to expel and remove from the said house, building, land, or premises, and from every part and parcel thereof, the person so wrongfully retaining possession thereof, and to deliver the peaceable possession thereof to the person or persons so entitled to the same as aforesaid; and such constables or other peace officers shall and they are hereby required promptly and effectually to obey and execute such warrant, according to the exigency thereof, and thereupon it shall be lawful for them also to levy, upon the goods and chattels of the person so by them expelled and removed as aforesaid, the necessary costs and expences of executing such warrant, the amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said justice of the peace by whom the said warrant was so issued as aforesaid, or by any other justice of the peace residing in or near to the said district, parish, or place, whose decision thereupon shall be final, and who is hereby authorized to make such order in that behalf as to him shall seem reasonable.

and to levy on his goods the cost of so doing,

CHAPTER LXI.

An Act to annex detached Parts of Counties to the Counties in which they are situated. [6th August 1844.]

WHEREAS there exist in England and Wales parts of counties detached from the main body of the county, and delay and hindrance to the administration of justice ensue, and inconvenience in other respects; and it is desirable to remedy the said evil: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twentieth day of October next every part of any county in England or Wales which is detached from the

Detached portions of counties to be considered for all purposes as parts of the counties

Ecclesiastical jurisdiction or patronage not to be affected. Act not to extend to alter or affect the assessment of land tax or assessed taxes in detached portions of counties, or the jurisdiction of the commissioners.

V. Provided always, and be it enacted, that nothing herein contained shall alter or interfere with any ecclesiastical jurisdiction or right of patronage.

VII. PROVIDED always, and be it enacted, that nothing herein contained shall be construed to affect or alter the assessments of the land tax or assessed taxes in or for any such detached portion of a county, or to extend or diminish the jurisdiction of any commissioners acting therein in the execution of the Acts relating to the said taxes respectively, but that all such detached portions shall be subject in that behalf to the jurisdiction of the commissioners acting for the same county or district as they would have been subject to if this Act had not been passed; and all parishes and parts of parishes and places, and all manors, lands, tenements, and hereditaments within any such detached portion, shall continue chargeable towards raising the land tax charged upon the same county or other district to or in aid of which they have heretofore contributed a quota or portion of such land tax.

CHAPTER LXVIII.

An Act to suspend, until the Thirty-first Day of December One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of such Jurisdictions.

[6th August 1844.]

Registrars of ecclesiastical courts and of dioceses to make certain returns as to ecclesiastical fees to secretary of state.

II. And be it enacted, that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar general or diocese, shall, on or before the twentieth day of January in the year one thousand eight hundred and forty-five, make out and transmit to one of her Majesty's principal secretaries of state a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall in each of the five next preceding years, each of such years ending on the fifth day of January, have been received or become due on account of the judge of such court or vicar general, by virtue of his office as such judge or vicar general, or on account of himself, or (except of surrogates) of any other officer, clerk, or minister of such court or registry, by virtue of his office or employment, specifying the particulars of the payments, disbursements, allowances, and charges respectively constituting the difference between such gross and net amounts, and shall on or before the twentieth day of January in every succeeding year transmit a like account for the year ending on the fifth day of January in such year; and the several officers, clerks, and ministers of each of the said courts and registries shall render to the registrar thereof all such statements in writing as he may require for the purpose of preparing such account; and such registrar shall transmit the said statements to the said secretary of state at the same time with his aforesaid account; and the said secretary of state may at any time or times require that all or any of the several accounts and statements herein-before mentioned shall contain such particulars and be in such form and verified in such manner as to him may seem proper.

II. AND be it enacted, that on or before the twentieth day of January in Registrars to ry year the registrar of each of the said several courts and registries shall state of o ort in writing to one of her Majesty's principal secretaries of state condition of his registry, and the buildings belonging thereto, upon all such other matters connected with such registry, and uments therein contained, as and in such form as the said secretary of e may from time to time require; and such secretary of state may from time to time require; and such secretary of state may to time call for further or other returns, and may also direct and cause to for further returns and nade such inspection or survey of any registry as he may think fit. V. AND be it enacted, that the word "registrar" when used in this

the secretary of returns and direct surveys.

Act Term "registrar" to include deputies.

CHAPTER LXIX.

Il include all registrars and deputy registrars.

ACT for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act for the better Administration of Justice " in His Majesty's Privy Council"; and to extend its Jurisdiction and Powers. [6th August 1844.]

THEREAS the Act passed in the fourth year of the reign of his late Majesty, intituled "An Act for the better administration of justice in 3 & 4 Will. 4. is Majesty's privy council," hath been found beneficial to the due administion of justice: And whereas another Act, passed in the sixth year of the l reign, intituled "An Act to amend the law touching letters patem t for 5 & 6 Will. 4. nventions," hath been also found advantageous to inventors and to olic: And whereas the judicial committee acting under the authority of the Acts hath been found to answer well the purposes for which it was so ablished by Parliament, but it is found necessary to improve its proceedings some respects, for the better despatch of business, and expedient also tend its jurisdiction and powers: And whereas by the laws now in force rtain of her Majesty's colonies and possessions abroad no appeals can ought to her Majesty in council for the reversal of the judgments, sentences crees, and orders of any courts of justice within such colonies, save on I ne courts of error or courts of appeal within the same, and it is expedient nat her Majesty in council should be authorized to provide for the admission f appeals from other courts of justice within such colonies or possessions: Be it therefore enacted by the Queen's most excellent Majesty, by and water the advice and consent of the lords spiritual and temporal, and commons, this present Parliament assembled, and by the authority of the same, that it shall be competent to her Majesty, by any order or orders to be from time to time for that purpose made with the advice of her privy council, to provide for the admission of any appeal or appeals to her Majesty in council from any judgments, sentences, decrees, or orders of any court of justice with ira any British colony or possession abroad, although such court shall not be court of errors or a court of appeal within such colony or possession; and it shall also be competent to her Majesty, by any such order or orders as aforemake all such provisions as to her Majesty in council shall seem meet

for the instituting and prosecuting any such appeals, and for carrying into effect any such decisions or sentences as her Majesty in council shall pronounce

Her Majesty, by order in council, may of appeals court in any colony, although such court shall not be a court of error or of appeal in such colony;

and may revoke such orders. Orders may be either general or special. General orders to be published. Nothing herein to affect the present powers for regulating appeals from the colonies.

On petition her Majesty may grant an extension of patent term for 14 years in certain cases;

as extension for 7 years may be granted under 5 & 6 Will. 4. c. 83.

Her Majesty may grant extension for a lesser term than that prayed.

Extension may be granted to original patentee, or his assignee, or both conjointly. Disclaimer and memo-randum of alteration

thereon: Provided always, that it shall be competent to her Majesty in council to revoke, alter, and amend any such order or orders as aforesaid, as to her Majesty in council shall seem meet: Provided also, that any such order as aforesaid may be either general and extending to all appeals to be brought from any such court of justice as aforesaid, or special and extending only to any appeal to be brought in any particular case: Provided also, that every such general order in council as aforesaid shall be published in the London Gazette within one calendar month next after the making thereof: Provided also, that nothing herein contained shall be construed to extend to take away or diminish any power now by law vested in her Majesty for regulating appeals to her Majesty in council from the judgments, sentences, decrees, or orders of any courts of justice within any of her Majesty's colonies or possessions abroad.

II. And whereas it is expedient, for the further encouragement of inventions in the useful arts, to enable the time of monopoly in patents to be extended in cases in which it can be satisfactorily shown that the expence of the invention hath been greater than the time now limited by law will suffice to reimburse: Be it enacted, that if any person, having obtained a patent for any invention, shall before the expiration thereof present a petition to her Majesty in council, setting forth that he has been unable to obtain a due remuneration for his expense and labour in perfecting such invention, and that an exclusive right of using and vending the same for the further period of seven years, in addition to the term in such patent mentioned, will not suffice for his reimbursement and remuneration, then, if the matter of such petition shall be by her Majesty referred to the judicial committee of the privy council, the said committee shall proceed to consider the same after the manner and in the usual course of its proceedings touching patents, and if the said committee shall be of opinion, and shall so report to her Majesty, that a further period greater than seven years extension of the said patent term ought to be granted to the petitioner, it shall be lawful for her Majesty, if she shall so think fit, to grant an extension thereof for any time not exceeding fourteen years, in like manner and subject to the same rules as the extension for a term not exceeding seven years is now granted under the powers of the said Act of the sixth year of the reign of his late Majesty.

III. PROVIDED always, and be it enacted, that nothing herein contained shall prevent the said judicial committee from reporting that an extension for any period not exceeding seven years should be granted, or prevent her Majesty from granting an extension for such lesser term than the petition shall have prayed.

IV. AND whereas doubts have arisen touching the power given by the said recited Act of the sixth year of the reign of his late Majesty in cases where the patentees have wholly or in part assigned their right: Be it enacted, that it shall be lawful for her Majesty, on the report of the judicial committee, to grant such extension as is authorized by the said Act and by this Act either to an assignee or assignees, or to the original patentee or patentees, or to an assignee or assignees and original patentee or patentees conjointly.

V. AND be it enacted, that in case the original patentee or patentees hath or have departed with his or their whole or any part of his or their interest by assignment to any other person or persons, it shall be lawful for such

entee together with such assignee or assignees if part only hath been under 5 & 6 Will. 4. c. 8 gned, and for the assignee or assignees if the whole hath been assigned, may be by original er a disclaimer and memorandum of alteration under the powers of the ted Act; and such disclaimer and memorandum of such alteration, baving his assignee, n so entered and filed as in the said recited Act mentioned, shall d and effectual in favour of any person or persons in whom the rights of an assignment of the er the said letters patent may then be or thereafter become legally vested; whole interest.

VIII. PROVIDED always, and be it enacted, that in the case of any new ter Judicial committee shing being referred to the judicial committee it shall be lawful for 1 committee to appoint one or other of the clerks of the privy council to e any formal proofs required to be taken in dealing with the matter ng so referred, and shall, if they so think fit, proceed upon such clerk's in matters ort to them as if such formal proofs had been taken by and before the said them. licial committee.

IX. AND be it enacted, that in case any petition of appeal whatever shall Judicial presented, addressed to her Majesty in council, and such petition shall ly lodged with the clerk of the privy council, it shall be lawful for the said appeals dicial committee to proceed in hearing and reporting upon such appeal, her Majesty thout any special order in council referring the same to them, provided that in council r Majesty in council shall have, by an order in council in the month ovember, directed that all appeals shall be referred to the said judicial com- if a general ittee on which petitions may be presented to her Majesty in council during order of e twelve months next after the making of such order; and that the said reference of such appeals dicial committee shall proceed to hear and report upon all such appeals in to the com ce manner as if each such appeal had been referred to the said judicial com- mittee for the next 12 months ittee by a special order of her Majesty in council: Provided always, that it shall have nall be lawful for her Majesty in council at any time to rescind eneral order so made; and in case of such order being so rescinded etitions of appeal shall in the first instance be preferred to her Majesty council, and shall not be proceeded with by the said judicial committee without a special order of reference.

of special order been issued in any November. all General Special order then required.

X. And be it enacted, that it shall be lawful for the said judicial mittee to make an order or orders on any court in any colony or fore ign settlement, or foreign dominion of the crown, requiring the judge or judges peals require of such court to transmit to the clerk of the privy council a copy of the notes of evidence in any cause tried before such court, and of the reasons given $\mathbf{b}_{\mathbf{y}}$ the judge or judges for the judgment pronounced in any case brought appeal or by writ of error before the said judicial committee,

evidence taken, and reasons by for judgments given, in the courts of any colony, &c. Judicial may make rules, to be binding upon such courts, requiring judges notes of evidence, reasons for judgments, &c.

XI. And be it enacted, that it shall and may be lawful for the said judicial committee to make any general rule or regulation, to be binding upon all courts in the colonies and other foreign settlements of the crown, requiring the judges notes of the evidence taken before such court on any cause appealed, and of the reasons given by the judges of such court, or by any of them, for or against the judgment pronounced by such court; which notes of evidence and reasons shall by such court be transmitted to the clerk of the privy council within one calendar month next after the leave given by such court to prosecute any appeal to her Majesty in council; and such order of the said

committee shall be binding upon all judges of such courts in the colonies or foreign settlements of the crown.

In cases of neglect to comply with order of council in ecclesiastical or maritime causes, persons so neglecting may be punished as for contempt by sequestration.

XII. And be it enacted, that in all causes of appeal to her Majesty in council from ecclesiastical courts, and from admiralty or vice admiralty courts, which now are or may hereafter be depending, in which any person duly monished or cited or requested to comply with any lawful order or decree of her Majesty in council, or of the judicial committee of the privy council or their surrogates, made before or after the passing of this Act, shall neglect or refuse to pay obedience to such lawful order or decree, or shall commit any contempt of the process under the seal of her Majesty in ecclesiastical and maritime causes, it shall be lawful for the said judicial committee or their surrogates to pronounce such person to be contumacious and in contempt, and, after he or she shall have been so pronounced contumacious and in contempt, to cause process of sequestration to issue under the said seal of her Majesty against the real and personal estate, goods, chattels, and effects, wheresover lying within the dominions of her Majesty, of the person against or upon whom such order or decree shall have been made, in order to enforce obedience to the same and payment of the expences attending such sequestration and all proceedings consequent thereon, and to make such further order in respect of or consequent on such sequestration, and in respect to such real and personal estates, goods, chattels, and effects sequestrated thereby, as may be necessary, or for payment of monies arising from the same to the person to whom the same may be due, or into the registry of the High Court of Admiralty and Appeals, for the benefit of those who may be ultimately entitled thereto.

CHAPTER LXXI.

An Acr for the better Administration of Criminal Justice in Middlesex.

[6th August 1844.]

WHEREAS it is desirable, for the better administration of criminal justice in the county of Middlesex, that sessions of the peace for the trial of felonies and misdemeanors committed within the said county should be holden more frequently, and that an assistant judge, of competent legal knowledge, should be appointed to preside at such sessions: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act there shall be holden in and for the county of Middlesex two sessions or adjourned sessions of the peace at least in every calendar month, and the first sessions holden in the months of January, April, July, and October respectively shall be the general quarter sessions of the said county.

or adjourned sessions to be held in county of Middlesex in every month.

Two sessions

General quarter sessions.

General sessions.

Powers of general sessions. II. And be it enacted, that the second sessions, or the adjourned sessions, holden in the months of February, May, August, and November respectively, and such other sessions as the justices for the county in the first sessions holden in the month of December assembled shall from time to time appoint, shall be general sessions of the peace; and such general sessions shall have power to try and determine all appeals, and all other powers which now or shall hereafter belong to the general quarter sessions.

AND be it enacted, that the second sessions holden in the months dary, April, July, and October shall be adjournments of the general quarter ter sessions.

of Adjournments sessions.

AND be it enacted, that after the passing of this Act it shall be In w ful Sessions may be h egin and continue, or to continue when begun, any session of the peace for notwithstandaid county so to be holden as aforesaid, until the business thereof shall d, notwithstanding that her Majesty's Court of Queen's Bench may sit tminster or elsewhere in the said county before or at the beginning ng the continuance of any such session.

at of Queen's or Bench.

III. AND be it enacted, that it shall be lawful for her Majesty, her beirs An assistant successors, by sign manual, to appoint a person, being a serjean t ster at law of not less than ten years standing, and in the commission Deace for the said county, and qualified by law to act as a justice of the sessions, at the hearing e, to be the assistant judge of the said court of the sessions of the peace, of all appeals, h said assistant judge shall preside at the hearing of all appeals, and rial of all felonies and misdemeanors, in the said court, and all matters misdemeanors. ected therewith, and shall hold his office during good behaviour; and of sickness or unavoidable absence, and on such other occasions as shall red by one of her Majesty's principal secretaries of state, such assistant judge shall mpowered from time to time to appoint a deputy, qualified to be appointed Deputy.

tant judge, who shall have power to act for him for such time as shall be in

case allowed by the secretary of state, not being in any case later than the of the business at the session of the peace then next but one following [Rep., 38 Vict. c. 7. s. 5.]: rovided always, that nothing in this Act contained Appointment interfere with the appointment of the chairman of the said court for all of the court oses except the trials of appeals and of felonies and misdemeanors, and for all other r matters connected therewith, but such appointment shall remain in the not affected. justices as before the passing of this Act; provided also, that the said Assistant stant judge, so long as he shall hold the said office, shall not be eligible in Parliament.

judge to be of preside at

X. AND be it enacted, that the presence of another justice of the peace 11 not be essential to the formation of the court in those cases in which lirected by this Act that the assistant judge or his deputy for the time ing shall preside; but nothing in this Act contained shall lessen the jurisciacon of the justices at the said sessions.

judge not to sit in Parliament.

Formation of the court by

in sessions to continue.

XI. And whereas by an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to enable the justices of the peace for "Westminster to hold their sessions of the peace during term and the sitting " of the Court of King's Bench," the sessions of the peace for the said city and liberty are limited to the weeks preceding the holding of each of the quarter or general sessions of the peace for the said county of Middlesex = And whereas by ancient usage and of right the justices of the peace for Middlesex have constantly holden and may hold their sessions of the peace for the said county within the said city and liberty, and the holding of sessions or the city and liberty has become unnecessary: Be it enacted, that after the ession of the peace which shall be holden in and for the said city and liberty next ter the passing of this Act sessions of the peace in and for the said city and liberty passing of this Act, 1874 (No. 2). I the sessions to

Middlesex sessions to be holden by adjournment in Westminster. Inhabitants liable to serve on juries at such sessions,

12 Geo. 2. c. 29.

7 Geo. 4.c. xlii.

Justices for the county to have the sole control over the county rate.

47 Geo. 3. sess. 2. c. lxvii.

Justices for the county to have the sole control over the court house for Westminster. be holden in and for the said county of Middlesex shall be holden by adjournment within the said city and liberty, and shall have full jurisdiction over all things cognizable by the sessions for the said city and liberty; and that the inhabitants of the said city and liberty shall not be exempted from serving on juries at the sessions of the peace for the county of Middlesex holden within the said city and liberty.

XIII. And whereas by an Act passed in the twelfth year of the reign of King George the Second, intituled "An Act for the more easy assessing, " levying, and collecting county rates," it was enacted, that there should be but one rate made and assessed by the justices of the peace of the said county of Middlesex and the said city and liberties of Westminster for the several purposes enumerated in that Act: And whereas by an Act passed in the seventh year of the reign of King George the Fourth, intituled "An Act for " building a new bridewell or house of correction for the said city and liberty " of Westminster," a house of correction, commonly called the New Bridewell, was built out of monies charged and assessed upon the county rates, which said bridewell is much larger than is needed for the said city and liberty; but the house of correction for the county of Middlesex is so small that the prisoners therein cannot be properly classified: And whereas inconveniences arise from the present management of the county rate being vested partly in the justices for the said county and partly in the justices for the said city and liberty, and it would be a public advantage if the management of the county rate were solely in the justices of the said county, and if the said New Bridewell were made a house of correction for the whole county, and placed under the control and management of the justices of the said county: Be it enacted, that after the passing of this Act the justices for the said city and liberty shall cease to exercise any control over the county rate, and the justices of the said county shall have the sole control and management thereof; and all orders for the payment of any sums of money out of the county rate, in respect of any expenditure within the said city and liberty, shall be made by the justices for the said county upon the county treasurer, in like manner as all other orders are made by them upon him; and the said treasurer shall obey the same, and shall from time to time include the same in his accounts, and the same shall be subject to all the statutes and provisions for the regulation of the rate for the said county, and shall form part of the general expenditure for the said county.

XIV. And be it enacted, that so much of an Act passed in the forty-seventh year of the reign of King George the Third, intituled "An Act to amend "three Acts, of the eighteenth, thirty-ninth, and forty-fourth years of his "present Majesty, for erecting a court house for the holding of sessions of the peace in the city of Westminster," as enacts that the court house for the said city of Westminster shall be under the sole direction and management of the justices of the peace for the time being of the city and liberty of Westminster, shall be repealed; and that after the passing of this Act the control and management of the said court house, and all the powers and provisions respecting the same, in the said Acts vested in the justices for the city and liberty, shall be vested in the justices for the said county of Middlesex, as fully as if they had been named in the said Acts.

V. AND be it enacted, that after the passing of this Act all the powers Property in the New property in respect of the said New Bridewell by the before-mentioned Bridewell at of the seventh year of the reign of King George the Fourth vested in Westminster to be vested justices for the said city and liberty of Westminster, and also All niture, goods, and chattels belonging to the said New Bridewell, shall asferred to and vested in the justices for the said county.

the in the justices be of the county.

AND be it enacted, that so much of the said Act of the seventh the reign of King George the Fourth as enacts that no person or persons, er than or beside the justices of the peace for the said city and liberty of stminster, and also the commissioners for executing an Act passed in enty-third year of the reign of his Majesty King George the Second, ituled "An Act for the more easy and speedy recovery of small vithin the city and liberty of Westminster and that part of the duch y of ancaster which adjoins thereto," shall have power or authority to commit person or persons to the said New Bridewell or house of correction, or to custody of the keeper thereof, shall be repealed; and that after the passing The New this Act the said New Bridewell shall become and be a house of correction the county of Middlesex, under the management and control of the justices of correction the said county; and the justices of the said county, the magistrates of the for the county lice courts, the judges of the Central Criminal Court, and all persons having management law the right to commit any offender or offenders to the house of correction of county justices. Cold Bath Fields, or to the gaol of Newgate as the common gaol of London Commitment d Middlesex, in execution of their judgments, shall have the like power of to New Bridewell. mmittal to the said New Bridewell which they have of committing to the d house of correction or the said gaol of Newgate: Provided always, that Proviso. thing in this Act contained shall take away the right of the justices for and liberty of Westminster and the said commissioners to commit fenders to the said New Bridewell, or enable any of the aforesaid judges. stices, or other persons to commit thereto any offender for any offence mmitted within the city of London, or elsewhere than in the county

CHAPTER LXXIV.

An Acr to explain and amend the Act for the Government of New South Wales and Van Diemen's Land. 727 [6th August 18 4.]

MTHEREAS by an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the government of New South Wales 5&6 Viet. and Van Diemen's Land," it is amongst other things enacted, that one half of the expence of the police establishment of the colony of New South Wales (exclusive of the convict establishment) shall be defrayed out of the general

Iiddlesex.

I This Act is rep.—

by 18 & 19 Vict. c. 54. s. 2., as to so much and such parts as relate to the colory of New South Wales, and are repugnant to the reserved Bill set forth in schedule (1.)

by 18 & 19 Vict. c. 55. s. 2., as to so much and such parts as relate to the colony of Victoria, and are repugnant to the reserved Bill set forth in schedule (1.) to that Act.]

Defining extent of convict establishment in New South Wales, mentioned in recited Act.

Proviso.

Repeal of part of 5 & 6 Vict. c. 76. s. 13.

Declaration of qualification of elective member of legislative council of New South Wales to be med in the council.

Penalty for sitting and voting without making declaration. If member not qualified, election to be void.

Provision in recited Act as to payment of sums to be levied on districts for revenue arising from taxes, duties, rates, and imposts within the said colony, and the other half shall be defrayed by assessment upon the several districts of the colony, in such proportions as shall be from time to time fixed by the governor and legislative council of the said colony: And whereas doubts have arisen as to what is the convict establishment so mentioned and referred to as aforesaid: Now therefore, for the removal of such doubts, be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the convict establishment mentioned and referred to in the said recited enactment doth comprise and shall be construed to comprise such gaols and places of safe custody only as are or as shall be maintained for the reception of convicts actually undergoing therein sentences or commuted sentences of transportation from the United Kingdom, such gaols or places of safe custody being under the superintendence of officers for that purpose appointed by or under the authority. of her Majesty, and remunerated by funds for that purpose appropriated by some Act of Parliament: Provided always, that if at any time any such gaol or place of safe custody shall be used for the imprisonment of any other offenders jointly with such convicts as aforesaid, then such gaol or place of safe custody shall be taken to be a convict establishment within the meaning of this Act and the said recited Act, so far only as relates to such convicts as aforesaid.

II. And whereas doubts have arisen as to the manner in which the declaration required by the said recited Act to be made in certain cases by candidates at the election of a member of the legislative council is to be made by candidates not present at the election: Be it enacted, that so much of the said recited Act as renders any such candidate incapable of being elected until he shall have made such declaration shall be repealed. [Rep., Stat. Law Rev. Act, 1875.]

III. And be it enacted, that every elective member of the said legislative council, before he shall sit or vote in the said council after the election of a speaker, shall make the said declaration in writing under his hand, by delivering to the clerk of the council, at the place where and while the council is sitting, with the speaker in the chair, a paper signed by such member containing the said declaration, and also a statement of the county or counties in which the lands or tenements are situated out of which his qualification arises, with such other description thereof as may serve to identify the same, and the nature of his estate or interest therein or in the rents and profits thereof; and the said papers shall be filed and kept by the clerk with the other records of his office; and every elective member of the said council who shall sit and vote in the said council after the election of a speaker before making such declaration as aforesaid shall be liable, for every day on which he shall so offend, to a penalty of two hundred pounds; and if he shall not be qualified according to the true intent and meaning of the said recited Act his election shall be void, and a new writ shall be issued to elect another member in his stead.

IV. And whereas by the said recited Act it is amongst other things enacted, that the treasurer of each district council of the said colony to whom any such warrant as therein mentioned shall come shall pay the amount mentioned in the warrant out of any monies in his hands belonging to the district, or, if

re be no monies or an insufficient sum in his hands, the district council expense of l assess and levy the amount by a fair and equal rate upon all property tablishment hin the district which the legislative council, or, until a Bill for that purpose recited, l have been passed by the legislative council, and assented to by ernor, with the advice of his executive council, shall declare to be liable eunto: And whereas the said recited enactment hath, by the accidental ssion therein of certain words, been rendered obscure and ineffectual for purposes thereof: Be it enacted, that the said last-recited enactment shall be and repealed. aled. [Rep., Stat. Law Rev. Act, 1875.]

- AND be it enacted, that the treasurer of each district council of colony of New South Wales to whom any such warrant as in the

the How such said sums shall be paid

Act mentioned shall come shall pay the amount mentioned in rant out of any monies in his hands belonging to the district, or, if there o monies or an insufficient sum in his hands, the district council shall ss and levy the amount by a fair and equal rate upon all property within district which the legislative council, or, (until a Bill for that purpose shall been passed by the legislative council, and assented to by the governor,) ch the governor, with the advice of his executive council, shall declare iable thereunto.

I. AND whereas it is by the said Act amongst other things provided, that 5 & 6 Vict. hall be lawful for the governor and legislative council of the said colony, c. 76. s. 53. exercise of the powers to them respectively granted by the said Act, and in manner and subject to the rules therein-before prescribed, to repeal, vary, Iter all or any part of the Acts therein recited, or any of them, or any law ordinance made in pursuance thereof: And whereas doubts may arise ether the colony mentioned in the last said recited enactment is the colony Colony in New South Wales or the colony of Van Diemen's Land: Be it declared and recited enactcted, that by the colony in the said last-recited enactment mentioned is mean New shall be understood the colony of New South Wales, and not the colory Van Diemen's Land.

VII. AND whereas by the said recited Act it is provided, that certain Bills Il in every case be reserved by the governor for the signification of her ejesty's pleasure thereon, and the intent of such provision was to ensure at such Bills as aforesaid should not be assented to by the governor with out ne consideration: Be it enacted, that it shall not be necessary for the Amendment overnor to reserve any such Bill for the signification of her Majesty's pleasure hereon from which in the exercise of his discretion, as limited in the said recited Act, he shall declare that he withholds her Majesty's assent, or to which he shall have previously received instructions on the part of her Majesty assent, and to which he shall assent accordingly.

but not Van Diemen's

as to reserving Bills for the royal assent.

VIII. AND be it enacted, that by the word "governor," as employed this Act, shall be understood the person for the time being lawfully administering the government of the said colony of New South Wales.

Definition of " governor as used in this Act.

CHAPTER LXXXI.

An Act for Marriages in Ireland; and for registering such Marriages.

[9th August 1844.]

TYPEREAS it is expedient to amend the law of marriages in Ireland, and to provide the means for a register of the marriages of her Majesty's subjects in that part of the United Kingdom: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the thirty-first day of March in the year one thousand eight hundred and forty-five all the rules prescribed by the rubrick concerning the solemnizing of marriages shall continue to be duly observed, except as herein-after provided, by every person in holy orders of the United Church of England and Ireland who shall solemnize any marriage in Ireland: Provided always, that the giving of notice to the registrar and the issue of the registrar's certificate for marriage without licence, as herein-after mentioned, may be used and shall stand instead of the publication of banns, to all intents and purposes, where no such publication shall have been made; and every person in holy orders of the United Church of England and Ireland shall be bound to solemnize marriage on production of such certificate, in like manner as he is required to do, by any law or canon now in force, after due publication of banns, so nevertheless that the church wherein any marriage according to the rites of the United Church of England and Ireland shall so be solemnized shall be within the district of the registrar by whom such certificate as aforesaid shall have been issued.

II. AND be it enacted, that nothing in this Act contained shall affect the right of the archbishop of Armagh and his successors, and his and their proper officers, to grant special licences to marry at any convenient time or place, or, except as herein-after provided, the right of any surrogate or other person now having authority to grant licences for marriage; provided that no surrogate or other person now having authority to grant licences for marriages shall grant any licence for marriage, not being a special licence, until seven days after notice shall have been given by one of the parties, who shall have resided for not less than seven days then next preceding in the parish named in that notice, under his or her hand, in the form of schedule (A.) to this Act annexed, or to the like effect, to such surrogate or other person having authority to grant licences as aforesaid, which notices he shall file and keep with the records of his office, and he shall also forthwith enter a true copy of such notices fairly in a book to be for that purpose furnished to him by the registrar general herein-after mentioned, to be called "the marriage notice book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and such surrogate or other person shall forthwith send a copy of such notice to the incumbent or incumbents of the parish or parishes in which the parties intending marriage dwell; and for entering every such notice the surrogate or other person shall be entitled to have a fee of one shilling, over and above the accustomed fee for granting the licence; and after the said thirty-first day of March no person applying for any such licence shall be required to give any security by bond or otherwise before the grant of such licence; and whenever a marriage shall not be had within three calendar months after the notice shall have been so given to the surrogate or other person as aforesaid, the notice,

After 31st of March 1845 all rules prescribed by the rubrick as to marriages to continue to be observed by persons in orders solemnizing marriages. Notice to registrar, and production of his certificate, may be used instead of banns, and marriages shall be solemnized, on production of certificate. at any church within registrar's district.

Nothing herein to affect the right of granting special or ordinary licences. Seven days' notice to be given to surrogate before grant of ordinary licence.

Entry of notices.

Copy to be sent to incumbent.

Fee for entry.

No security required from applicant before granting licence. Notice and licence void if marriage any licence which may have been granted thereupon, shall be utterly not solemnized within three

II. AND be it enacted, that nothing in this Act contained shall affect rriages by any Roman Catholic priest which may now be lawfully celebrated, extend to the registration of any Roman Catholic chapel, but such

continue to be celebrated in the same manner and subject to the e limitations and restrictions as if this Act had not been passed.

V. AND be it enacted, that marriages between parties, both of whork between sbyterians, may be solemnized according to the forms used by Presbyterians, er by the licence of a Presbyterian minister, or by publication of banks, as or both of whom are ein-after respectively mentioned, in meeting houses to be certified as hereinr mentioned, between the hours of eight in the morning and two in the may be ernoon, with open doors, and in the presence of two or more credible certified meetnesses; and marriages between parties, of whom one only is a Presbyterian, ing houses be solemnized according to the same forms, by such licence of a Presby-ditions herein an minister, in such meeting houses, between the same hours, with open prescribed. rs, and in the presence of two or more credible witnesses; provided that in er case there be no lawful impediment to the marriage of such parties.

7. AND be it enacted, that after the said thirty-first day of March, in every Banns to be e in which a marriage shall be proposed to be solemnized by a Presbyterian published in nister between two Presbyterians, otherwise than by licence, banns trimony shall be published by or in the presence of a Presbyterian minister Presbyterians otherwise than the Presbyterian meeting house, certified as herein-after is mentioned, by licence. uented by the congregation of which the parties to be married shall be nbers, upon three Sundays preceding the solemnization of the marriage, ing the time of divine service, and any such marriage by a Presbyterian nister shall be solemnized in such meeting house, and not elsewhere; and enever it shall happen that the parties to be married by a Presbyterian nister shall be members of different congregations the banns shall in like nner be published in the certified Presbyterian meeting house frequented the congregation of which each of the parties to be married shall be mber; and in every such last-mentioned case of publication of banns the esbyterian minister by or in whose presence such banns shall be publish all, in writing under his hand, certify the publication thereof; and any such arriage by a Presbyterian minister shall be solemnized in one of the certifical resbyterian meeting houses where such banns shall have been published, and n no other place whatsoever; and before such marriage shall be solemnized the certificate of the Presbyterian minister by whom or in whose presence the banns shall have been published in the other certified meeting house shall

delivered to the Presbyterian minister solemnizing such marriage, VI. And be it enacted, that no Presbyterian minister shall publish or allow to be published any banns of matrimony in any Presbyterian meeting house of which he is minister, unless the persons to be married shall, six days at the least before the time required for the first publication of such banns, deliver or cause to be delivered to such Presbyterian minister a notice in writing of heir true christian and surnames, and of the congregation or congregations of they shall respectively be members, and of the house or houses of their spective abodes, and of the time during which they have dwelt, inhabited, of banns. lodged in such house or houses respectively.

any Roman Catholic marriages

Notice of the names, places of abode. congregation, and time of residence of the parties to the minister six days before publication

Each presbytery to appoint ministers to certify meeting houses.

Registry of certified meeting houses.

VII. And be it enacted, that each presbytery of Presbyterians in Ireland may from time to time, subject to the approbation of the lord lieutenant, appoint one or more ministers, who shall certify to the registrar herein-after mentioned that the meeting house to be described in every such certificate is within such presbytery, and is used as a place of public religious worship by Presbyterians in connection with such presbytery; and such minister shall deliver to the registrar such certificate, signed in duplicate by him; and the registrar shall send both certificates to the registrar general, who shall cause such meeting house to be registered accordingly in a book to be kept for that purpose at the general register office herein-after mentioned; and the registrar general shall cause to be endorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such meeting house in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry, under his hand, on parchment or vellum, to the minister by whom the certificates shall have been signed, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the Dublin Gazette; and for every such entry, cortificate, and publication the registrar shall receive at the time of delivery to him of the certificates the sum of one pound; and every such minister shall continue to exercise the powers given to him by this Act during the pleasure of the lord lieutenant.

Such ministers to grant licences in form in schedule (C.) for marriages to be solemnized in certified Presbyterian meeting houses. Appeal to presbytery on refusal. Quarterly returns of licences granted. Minister to give security.

Before licence granted one of the parties to appear before the minister, and to take an oath, &c. as to certain particulars.

VIII. And be it enacted, that every such minister so appointed and approved as aforesaid shall have authority to grant licences for marriage in any Presbyterian meeting house certified as aforesaid within his presbytery, in the form of schedule (C.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of five shillings; and in any case in which such minister shall refuse to grant such licence the person applying for the same shall be entitled to appeal to the presbytery by which such minister shall have been appointed, which shall thereupon either confirm the refusal or direct the grant of the licence; and every such Presbyterian minister shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no such minister shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office.

IX. And be it enacted, that before any licence for marriage as last aforesaid shall be granted by any such Presbyterian minister one of the parties intending marriage shall appear personally before such minister, and such party shall make and subscribe an oath, or a solemn affirmation or declaration instead of taking an oath, which oath, affirmation, or declaration such minister is hereby authorized to administer, that he or she believeth that there is not any impediment of kindred or alliance or other lawful kindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual

ce of abode within the presbytery within which the marriage is to be sinnized, and that they are both of the full age of twenty-one years, or, en either of the parties shall be under the age of twenty-one years, consent of the person or persons whose consent to such marriage is uired by law has been obtained thereto, or that there is no person having hority to give such consent, or that such party is a widower or widow, as case may be.

AND be it enacted, that the party so appearing personally before the Person apnister authorized to grant licences as aforesaid shall, seven days before the licence to nce shall be delivered to him, produce to such minister a certificate accordto the form in schedule (D.) to this Act annexed, or to the like effect, from of the conminister of the congregation of which he or she shall be a member, and gregation of been a member for at least one calendar month preceding, which certificate person shall minister authorized to grant licences as aforesaid shall carefully file shall in form in serve in such place and manner as the presbytery shall direct, and forthwith enter a true copy of all such certificates fairly into a book to that purpose furnished to him by the registrar general, to be called narriage notice book," which book shall be open at all reasonable times, shout fee, to all persons desirous of inspecting the same; and for entering ery such notice the minister shall be entitled to a fee of one shilling.

which such and be a member be schedule (I).)

XI. AND be it enacted, that any person may enter a caveat with nister so appointed and approved against the grant of a licence for rriage of any person named therein; and if any caveat be entered with minister h minister, such caveat being duly signed by or on behalf of the person who against grant of licence. ers the same, together with his or her place of residence, and the ground of ection on which his or her caveat is founded, no licence shall issue or be inted until the minister shall have examined into the matter of the caveat, Minister to d is satisfied that it ought not to obstruct the grant of the licence for the decide on d marriage, or until the caveat be withdrawn by the party who entered the objection. me; and in cases of doubt it shall be lawful for such minister to refer the Reference to atter of any such caveat to the presbytery by which he shall have been

pointed, which shall decide upon the same. XII. AND be it enacted, that the Society of Friends commonly called Quakers, Marriages of also persons professing the Jewish religion, may continue to contract Quakers and of Jews to be olemnize marriage according to the usages of the said society and of the said solemnized persons respectively; and every such marriage shall be deemed good in law, according to their usages. provided that the parties to such marriage be both of the said society, or both persons professing the Jewish religion respectively; provided also, the to and notice to the registrar shall have been given, and the registrar's certificate from registrar. shall have issued, in manner herein-after provided.

XIII. And be it enacted, that in every case of marriage intended to be solemnized in Ireland after the said thirty-first day of March according to the rites of the United Church of England and Ireland, (unless by licence or by special licence, or after publication of banns,) and in every case of marriage intended to be solemnized in Ireland after the said thirty-first day of Marcla according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the parties shall give notice under his or her hand, in the form of schedule (A.) to this Act annexed, or to the like effect, to the registrar, appointed as herein after is mentioned, of the district within

Notice of any intended marriage (except by licence or banns) to be given to the registrar of the district, in form in schedule (A.)

which the parties shall have dwelt for not less than seven days then next preceding, or, if the parties dwell in the districts of different registrars, shall give the like notice to the registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time, not being less than seven days, during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized, which must be within the district within which one of the parties shall have dwelt for the time last aforesaid; but if either party shall have dwelt in the place stated in the notice during more than one calendar month it may be stated therein that he or she hath dwelt there one month and upwards: Provided always, that no such notice shall be required for any marriage by a Roman Catholic priest which may now lawfully be celebrated, or when the marriage is intended to be solemnized by a Presbyterian minister between two persons, both or one of whom shall be Presbyterians, in a Presbyterian meeting house certified as aforesaid.

No notice required for marriage by Roman Catholic priest, or by Presbyterian minister in certified meet ing house. Registrar to keep notices in a book.

XIV. AND be it enacted, that the registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the registrar general, to be called "the marriage notice book"; the cost of providing which shall be defrayed in like manner as the cost of providing the register book herein-after mentioned; and the marriage notice book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for every such entry the registrar shall be entitled to have a fee of one shilling.

Notices to be sent to guardians of poor, and read at their meetings.

XV. AND be it enacted, that on the day previous to each weekly meeting of the guardians of any poor law union, or of any parish or place comprising the district for which such registrar shall act, the registrar shall transmit to the clerk to the guardians all such notices of intended marriage as he shall have received on or since the day previous to the weekly meeting immediately preceding the same; and such clerk shall read such notices immediately after the minutes of the proceedings of such guardians at their last meeting shall have been read; and such notices shall be so read three several times in three successive weeks at the weekly meetings of such guardians, unless in any case licence for marriage shall be sooner granted, and notice of such licence being granted shall have been given to such clerk: Provided also, that if it shall happen that the board of guardians of any such union, parish, or place shall not so meet, it shall be sufficient for the purposes of this Act that such notices shall be read at every meeting of such guardians which shall be held within twenty-one days from the day of such notice being entered; and if no meeting be held within twenty-one days from the day of such notice being entered, the entry of such notice shall be sufficient for the purposes aforesaid.

After seven days for marriage by licence, or twenty-one days for marriage without licence, certificate of notice to be given, upon

XVI. AND be it enacted, that after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the day of the entry of such notice, the registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of schedule (B.) to this Act annexed, provided that no lawful impediment be shown to the satisfaction of the registrar why such certificate should not issue,

A.D. 1844.

party or parties, shall be non compos mentis, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall be lawful for any person desirous of marrying in any of the before-mentioned cases to apply by petition to the lord chancellor or the lords commissioners of the great seal of Ireland for the time being, or master of the rolls, who shall be empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to be proper, the said lord chancellor, lords commissioners of the great seal for the time being, or master of the rolls, shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian or guardians, or mother, of the person so petitioning, bad consented to such marriage.

Registrar may grant licences for marriage in registered buildings in form in schedule (E.) Quarterly return of licences granted.
Registrar to give security.

Registrar not authorized to grant licences for marriages in churches, &c. of Church of Ireland, or between Presbyterians in certified meeting bouses.

Oath, &c. to be made by one of the parties before the licence is granted.

XXI. And be it enacted, that after the said thirty-first day of March every registrar shall have authority to grant licences for marriage in any building registered as herein-after provided within his district, or in his office, in the form of schedule (E.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of five shillings; and every registrar shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no registrar shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office: Provided also, that nothing herein contained shall authorize any registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the United Church of England and Ireland, or in any church or chapel belonging to the said United Church, or licensed for the celebration of divine worship according to the rites and ceremonies of the said United Church, or any licence for a marriage between two persons, both or one of whom shall be Presbyterians, in a Presbyterian meeting house certified as aforesaid.

XXII, AND be it enacted, that before any licence for marriage shall be granted by any such registrar one of the parties intending marriage shall appear personally before such registrar, and, in case the notice of such intended marriage shall not have been given exclusively to such registrar, shall deliver to him the certificate of the other registrar to whom such notice shall have been given, and such party shall make oath, or shall make his or her solema affirmation or declaration instead of taking an oath, that he or she believeth that there is not any impediment or kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the district within which such marriage is to be solemnized, and that they are both of the full age of twentyone years, or, where either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered; and the registrar shall send both certificates to the registrar general, who shall cause such building to be registered accordingly in a book to be kept for that purpose at the general register office; and the registrar general shall cause to be endorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the Dublin Gazette; and for every such entry, certificate, and publication the registrar shall receive at the time of the delivery to him of the certificates the sum of one pound.

Registry to be cancelled on disuse of building for public religious worship; but on removal of the same congregation the new place of worship may be immediately registered instead of the one disused.

XXVIII. And be it enacted, that if at any time subsequent to the registry of any such building for solemnizing marriages therein it shall be made to appear to the satisfaction of the registrar general that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the registrar general shall cause the registry thereof to be cancelled; provided that if it shall be proved to the satisfaction of the registrar general that the same congregation use instead thereof some other such building for the purpose of public religious worship, the registrar general may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the registrar general by or through the registrar of the district; and such cancelling or substitution, when made, shall be made known by the registrar general to the registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancelling or substitution and registry in manner herein-before provided in the case of the original registry of the disused building; and for every such substitution the registrar shall receive from the party requiring the substitution the sum of one pound; and after such cancelling or substitution shall have been made by the registrar general it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner herein-before provided.

After notice and certificate marriages may be solemnised in such registered places by any form, between certain hours, and before registrar of district and two witnesses.

XXIX. And be it enacted, that after the expiration of the said period of twenty-one days, or of seven days if the marriage is by licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, that every such marriage shall be solemnized with open doors, between the hours of eight in the forenoon and two in the afternoon, in the presence of the registrar of the district in which such registered

in populous places.

is duly licensed to officiate therein according to the rites and ceremonies of the United Church of England and Ireland, or without such consent after two calendar months notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the publication of banns and solemnization of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the said bishop may seem fit and as may be specified in the said licence; and the said licence shall be construed to extend to and authorize marriages in such chapels between parties one or both of whom is or are resident within the said district: Provided always, that where the parties to any marriage intended to be solemnized after publication of banns shall reside within different ecclesiastical districts, the banns for such marriage shall be published as well in the church or chapel wherein such marriage is intended to be solemnized as in the chapel licensed under the provisions of this Act for the other district within which one of the parties is resident, and if there be no such chapel then in the church or chapel in which the banns of such last-mentioned party may be legally published: Provided also, that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withholden, a copy of the notice under the hand of the registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

districts.

Publication of

banns where

parties reside in different

Patron or incumbent may object to licence, and bishop shall decide on grounds of objection.

Appropriation of fees on marriages performed in such chapels.

XXXIV. AND be it enacted, that all fees, dues, and other emoluments on account of the solemnization of marriages, which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid, shall respectively be received, until the avoidance of such church or chapel next after the passing of this Act, for and on account of such incumbent, and, until the vacancy in the office of clerk next after the passing of this Act, for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively, shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop, in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last-mentioned chapel as shall be specified a copy whereof was transmitted to the registrar, and shall also transmit to him one copy of every register book so transmitted to him of which no copy shall have been already transmitted to the registrar, having first signed his name at the foot of the last entry therein.

Registrars of dioceses to send to the register office yearly lists of licensed chapels within their districts.

XLI. And be it enacted, that the registrar of every diocese shall within fifteen days after the said thirty-first day of March, and also within fifteen days after the first day of January in every succeeding year, make out and send through the post office, directed to the registrar general of marriages at his office, a list of all chapels belonging to the United Church of England and Ireland within that diocese wherein marriages may lawfully be solemnized according to the rights and ceremonies of the United Church of England and Ireland, and shall distinguish in such list which have a parish, chapelry, or other recognized ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this Act, and shall state therein the district for which each of such chapels is licensed according to the description thereof in the licence; and the registrar general shall in every year cause to be made out and printed a list of all such chapels, and also of all places of public worship registered under the provisions of this Act, and shall state in such list the county and registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the registrars; and a copy of such list shall be sent to every registrar.

List of all such chapels and all other buildings registered under this Act be printed yearly.

Marriages under this Act cognizable. XLII. AND be it enacted, that every marriage solemnized under this Act shall be good and cognizable in like manner as marriages before the passing of this Act according to the rites of the United Church of England and Ireland.

Persons
vexatiously
entering caveat
liable to costs
and damages.

XLIII. And be it enacted, that every person who shall enter a caveat with the registrar against the grant of any licence or issue of any certificate on grounds which the registrar general shall declare to be frivolous, and that they ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages, to be recovered in a special action upon the case by either of the parties against whose marriage such caveat shall have been entered; and a copy of the declaration of the registrar general, purporting to be sealed with the seal of the general register office, and which seal it shall not be necessary to prove, shall be evidence that the registrar general has declared such caveat to be entered on frivolous grounds, and that they ought not to obstruct the grant of the licence.

Persons
making false
declarations,
&c. guilty of
perjury.

XLIV. And be it enacted, that every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate required by this Act, for the purpose of procuring any marriage, and every person who shall forbid the issue of any registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by this Act, or by falsely representing himself to be acting on behalf of such person, knowing such representation to be false, shall suffer the penalties of perjury.

Persons unduly solemnizing marriages guilty of felony. XLV. And be it enacted, that every person who after the said thirty-first day of March shall knowingly and wilfully solemnize any marriage or pretended marriage in Ireland, unless by special licence of the archbishop of Armagh and his successors, and his or their proper officers, in any other place than a church or chapel in which marriages may be solemnized according to

or in the absence of a registrar where the presence of a registrar is necessary under this Act, or if any persons shall knowingly or wilfully after the said thirty-first day of March intermarry in any certified Presbyterian meeting house without publication of banns, or any licence, the marriage of all such persons, except in any case herein-before excepted, shall be null and void.

9 Geo. 2. (I.) c. 11., and 28 Geo. 2. (I.) c. 10. in part, repealed; but existing enactments respecting degraded clergymen not to be affected. If any valid marriage be had by means of wilfully false notice &c. the guilty party shall forfeit all property accruing thereby, on suit of attorney general, &c. in Court of Chancery, &c. Proceedings, &c. to be the

L. And be it enacted, that after the said thirty-first day of March an Act passed by the Irish Parliament in the ninth year of the reign of King George the Second, intituled "An Act for the more effectual preventing clandestine marriages," and so much of an Act passed in the twenty-third year of the same reign, for explaining and making more effectual the last-recited Act, as relates to the last-recited Act, shall be repealed; but that [Rep., Stat. Law Rev. Act, 1874 (No. 2).] nothing in this Act shall extend to repeal any enactments now in force in Ireland for preventing the performance of the marriage ceremony by degraded clergymen.

LI. AND be it enacted, that if any valid marriage shall be had under the provisions of this Act by means of any wilfully false notice, certificate, or declaration made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is herein required, it shall be lawful for her Majesty's attorney general or solicitor general for Ireland to sue in the Court of Chancery or Court of Exchequer in Ireland for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the preceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnized in England by licence before the passing of this Act according to the rites of the Church of England.

LII. AND be it enacted, that, in order to provide the means for a register of the marriages of her Majesty's subjects in Ireland who shall be married under the provisions of this Act, it shall be lawful for the lord lieutenant to provide a proper office in the city of Dublin, to be called "the General "Register Office," for keeping a register of such marriages, and to appoint for the said office a registrar general of marriages in Ireland, and from time to time at pleasure to remove the said registrar general, and appoint some other person in his room.

Lord lieutenant, &c. to appoint officers.

same as in the

like case in England.

A general register office

to be provided in

Dublin.

Registrar general to be

appointed.

LIII. And be it enacted, that the lord lieutenant, or the registrar general, subject to the approval of the lord lieutenant, shall appoint from time to time such officers, clerks, and servants as he shall deem necessary to carry on the business of the general registry office, and at pleasure remove them or any of them; and the lord high treasurer or commissioners of her Majesty's Treasury, or any three of them, shall fix the salary of the registrar general, , and shall fix the salaries of the officers, clerks, and servants in fit proportion, according to the duties they may have to perform.

Salaries of registrar general and other officers to be fixed.

LIV. And be it enacted, that the salaries of the registrar general, and of the said officers, clerks, and servants, and all expences of carrying on the business of the general registry office, not herein otherwise provided for, shall be paid by the said lord high treasurer or commissioners of her Majesty's Treasury out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Salaries, &c. to be paid out of the consolidated fund.

Regulations for conduct of officers to be framed under LV. And be it enacted, that the lord lieutenant, or the registrar general, with his approbation, from time to time may make regulations for the management of the said register office, and for the duties of the registrar general.

jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be; and the said justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

Marriage register books to be provided according to form in schedule (G.) LXII. And be it enacted, that the registrar general shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all marriages of her Majesty's subjects in Ireland who shall be married under the provisions of this Act, according to the form of schedule (G.) to this Act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of marriages; and every page of each of such books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

Registrar general to furnish marriage register books and forms for certified copies to registrars and persons authorized to solemnize marriages.

LXIII. And be it enacted, that the registrar general shall furnish to every registrar a sufficient number of marriage register books, and forms for certified copies thereof as herein-after provided, and also, on being thereunto required, shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in Ireland wherein marriages may lawfully be solemnized, and also to the Presbyterian minister of every certified Presbyterian meeting house, and also to every person whom the recording clerk of the Society of Friends commonly called Quakers, at their central office in Dublin, shall from time to time certify in writing under his hand to the registrar general to be a registering officer in Ireland of the said society, and also to every person whom the president for the time being of the London committee of deputies of the British Jews shall from time to time certify in writing under his hand to the registrar general to be the secretary of a synagogue in Ireland of persons professing the Jewish religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as herein-after provided; and the cost of all such books and forms shall be paid by the high constable out of the county rates.

Cost thereof.

Marriage registers to be kept in duplicate. LXIV. AND be it enacted, that every clergyman of the United Church of England and Ireland, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage, according to the form of the said schedule (G.); and every Presbyterian minister of a certified Presbyterian meeting house, and every such registering officer of the Quakers, as soon as conveniently may be after the solemnization of any marriage between two Quakers in the district for which he is registering officer, and every such secretary of a synagogue, immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars

Copies in form in schedule (F.) to be sent to registrar general quarterly. every such entry shall be made in order from the beginning to the end of the book; and the registrar shall keep the said marriage register books with the records of his office, and shall, in the months of April, July, October, and January respectively, make, on one of the forms to be furnished to him as aforesaid by the registrar general, a true copy, certified by him as aforesaid, in the form of schedule (F.) annexed to this Act, of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July one thousand eight hundred and forty-five, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand.

Registrars to send certified copies of registers made or received by them to the General Register Office four times a year:

omissions to be supplied.

Searches of registers shall be allowed, and certified copies given, by incumbents, &c.

Fees.

Indexes to be made at every registrar's office, searches allowed, and copies given.

Fees.

Indexes to be kept at General Register Office, searches allowed, and certified copies given.

Fees.

LXVII. And be it enacted, that every registrar shall four times in every year, on such days as shall be therefore named by the registrar general, send to the registrar general all the certified copies of the registers of marriages which he shall have so made or received; and the registrar general, if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and the certified copies so sent to the General Registry Office shall be thereafter kept in the said office in such order and manner as the registrar general, under the direction of the lord lieutenant, shall think fit, so that the same may be most readily seen and examined.

LXVIII. AND be it enacted, that every rector, vicar, or curate, or Presbyterian minister of a certified Presbyterian meeting house, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of marriages wherein any marriage shall have been registered under this Act, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee herein-after mentioned; (that is to say,) for every search extending over a period not more than one year the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

LXIX. AND be it enacted, that every registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office; and that every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the registrar, on payment of the fees herein-after mentioned; (that is is to say,) for every general search the sum of five shillings, and for every particular search the sum of one shilling, and for every certified copy the sum of two shillings and sixpence.

LXX. AND be it enacted, that the registrar general shall cause indexes of all the said certified copies of the registers to be made and kept in the General Register Office; and that every person shall be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas Day, and Good Friday, and to have a certified copy of any entry in the said certified copies of the registers; and for every general search of the said indexes shall be paid the sum of twenty

entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and shall make the like marginal entry, attested in like manner, in the duplicate marriage register book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or, in case such certified copy shall have been already made, he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

Recovery of penalties before justices.

LXXVII. AND be it enacted, that all fines and forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two justices of the peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person; and if on the conviction of the offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such justices are hereby empowered to administer,) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justices; and for want of distress such justices may commit every such offender to the common gaol or house of correction for the county, city, or place where the offence shall be committed, without bail or mainprize, for any term not exceeding one calendar month, unless such fine and forfeiture. and all reasonable charges attending the recovery thereof, shall be sooner paid; ; and no distress made by virtue of this Act shall be deemed unlawful, nor shall the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, or warrant of distress, or on account of any irregularity which shall be afterwards committed by the party distraining, but the person or persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

Prosecution for offences punishable on summary convictions to be commenced within 8 months.

Appeal to quarter sessions.

LXXVIII. And be it enacted, that the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months next after the commission of the offence.

LXXIX. And be it enacted, that in all cases where the sum adjudged to be paid on any such summary conviction shall exceed five pounds any person convicted may appeal to the next court of general or quarter sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizances being entered into, the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice of Marriage.

To A.B. [or C.D.] surrogate [or deputy surrogate], or

To the registrar, of the district of [Roscrea] in the county of [Tipperary] [as the case may be].

I HEREBY give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described; (that is to say,)

Name.	Con-	Rank or condition.	Age.	Dwelling place.	Length of residence.	Church or building in which mar- riage is to be solemnized.	District and County in which the other party resides, when the parties dwell in different districts.
Lucius O'Hara	Widower	Carpenter	Of full age	High Street, Roscrea.	23 days.	Sion Chapel,	Maryborough,
Margaret Shaw	Spinster		Minor -	Grove Farm. Parish Mary- borough.	More than a month.	Roscres, Tipperary.	Queen's County.

Witness my hand this [sixth] day of [May 1845].

(Signed) Lucius O'Hara.

[The particulars in this schedule to be entered according to the fact.]

Schedule (B.)

[No. 14.]

REGISTRAR'S Certificate.

I [John Cox], registrar of the district of [Roscrea] in the county of [Tipperary], do hereby certify, that on the [sixth] day of [May] notice was duly entered in the marriage notice book of the said district of the marriage intended between the parties therein named and described, delivered under the hand of [Lucius O'Hara], one of the parties; (that is to say,)

Name.	Con- dition.	Rank or condition.	Age.	Dwelling place.	Length of residence.	Church or building in which mar- riage is to be solemnized.	District and County in which the other party dwells, where the parties dwell in different districts.
Lucius O'Hara	Widower	Carpenter	Of full age	High Street.	23 days.	Sion Chapel, Roscrea,	Maryborough Queen's
Margaret Shaw	Spinster		Minor -	Grove Farm.	More than a month.	Tipperary.	County.

SCHEDULE (D.)

PRESBYTERIAN Minister's Certificate.

3	[John Mason], Presbyterian minister of , in the presbytery
of	, do hereby certify, that on the day
of	notice was duly entered in a book kept for that purpose in
my	congregation of the marriage intended between the parties therein named
and	described, delivered under the hand of , one of the
par	ies, who is and has been for the last calendar month a member of my own
con	regation; (that is to say,)

Name.	Condi- tion.	Rank or profession.	Age.	Residence.	Length of residence.	Church or building in which mar- riage is to be performed.	County and Parish in which the other party dwells, or where the parties dwell in different parishes, con- gregations, or districts.
John Brown	Widower	Mason	Full age or 21.	County Down. Parish Comber.	2 years.	1st Presbyte- rian Church, Comber.	Congregation of Kilrea, County of Derry.
Mary Mahon	Spinster	Milliner	Full age.	Town Comber. Townland Comber. County Derry. Parish Kilrea. Town Kilrea.			

Witness my hand, this hundred and

day of

one thousand eight

(Signed)

[John Mason,] congregation of

Minister of the

[The particulars in this schedule to be entered according to the fact.]

SCHEDULE (E.)

LICENCE of Marriage.

A.B., Registrar of

, to C.D. of , sendeth greeting.

, and E.F.

Whereas ye are minded, as it is said, to enter into a contract of marriage under the provisions of an Act passed in the eighth year of the reign of Queen Victoria, intituled [here insert the title of this Act], and are desirous that the same may be speedily and publicly solemnized: And whereas you C.D. [or E.F.] have made and subscribed a declaration under your hand that you believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that you C.D. [or E.F.] have [or has] had your [or his or her] usual place of abode for the space of fifteen days last past within the district of (), and [in cases where either party is under age,

SCHEDULE (G.)

1845.—Marriages solemnized [at the Parish Church] in the [Parish of St. Audeon] in the City of [Dublin].

No.	When married.	Name and Surname.	Аge.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.	
-	27 March 1845.	Patrick Donovan.	Of full age.	Bachelor.	Carpenter.	3, South Street.	Peter Donovan.	Upholsterer.	
		Mary O'Brien.	Minor.	Spinster.	ł	17, High Street.	Laurence O'Brien.	Butcher.	
					_				

Married in the [parish church], according to the rites and ceremonies of the [United Church of England and Ireland, by licence], or [after banns],

By me, [William Jackson, Vicar.]	f. Dennis Donovan.	Laurence O'Brien.
	in the	presence of us,
	Patrick Donovan,	Mary O'Brien,
	This marriage was solemnized	between us,

[The particulars in this schedule to be entered according to the fact.]

chargeable on any monies standing in names of national debt commissioners. charged and chargeable upon, and the same are hereby charged and made payable out of, all or any monies standing in any account in the names of the said commissioners, or out of any monies produced by the sale of any stock or annuities, funds, or Exchequer bills, standing in their names in the books of the banks of England or Ireland respectively, as the said commissioners shall from time to time direct: Provided always, that no fractional part less than one penny shall be allowed or paid as interest upon the principal sum contained in any receipt issued under the provisions of this Act.

Depositors on making first deposit to sign declaration required by 9 Geo. 4. c. 92. s. 84., and a copy thereof to be annexed to deposit book. Punishment of actuary, &c. receiving deposits and not paying over same to managers, &c.

III. AND be it enacted, that from and after the twentieth day of November one thousand eight hundred and forty-four it shall not be lawful to receive from any depositor his or her first deposit in any savings bank without requiring him or her to sign the declaration required by the said recited Act, and in the manner therein mentioned, a copy of which declaration, with the penalty attached thereto if false, shall also be annexed to or printed at the beginning of the deposit book.

IV. AND be it enacted, that if any actuary, cashier, secretary, officer, or other person holding any situation or appointment in any savings bank shall receive any sum or sums of money from or on account of any depositor or person desirous of becoming such, or on account of such institution, and shall not, at the next day on which the said institution is opened for the receipt of deposits, or in the case of local receivers acting on behalf of any savings bank shall not within the time specified in the rules of the said institution, account for and pay over the same to the trustees or managers thereof, or to such person as may be directed by the rules of the institution, such actuary, cashier, secretary, officer, or local receiver, or other person as aforesaid, on being convicted thereof, shall be guilty of a misdemeanor.

Depositor to produce his deposit book for examination at least once a year. V. AND be it enacted, that provision shall be made in the rules of every savings bank that every depositor therein shall, once in every year at least, cause his deposit book to be produced at the office of the said institution for the purpose of being examined.

Trust accounts.

Repayment of trust deposits.

VII. AND be it enacted, that from and after the twentieth day of November one thousand eight hundred and forty-four, when deposits shall be made by a trustee on behalf of another, the sum shall be invested in the name of such trustee and the name of the person on whose account such sum shall be so deposited; and repayment of the same or any part thereof shall not be made by the trustees or managers of any savings bank without the receipt and receipts of the said trustee and the person on whose account such deposit may have been made, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt and receipts, either in person or by agent appointed by power of attorney, which power of attorney shall be valid if executed by an infant of or exceeding the age of fourteen years, shall alone be a good and valid discharge to the said trustees and managers, except in case of the insanity or imbecility of the party on whose behalf the deposit has been made, upon proof of which to the satisfaction of the said trustees or managers repayment may be made to the said trustee; and an abstract of the above provisions shall be enrolled as one of the rules of the institution: Provided always, that nothing herein contained shall extend or be construed have been entitled if he had been legitimate.

Payment may be made to married women of deposits made by them, unless husband require payment to him. Settlement of disputes between trustees and depositors, &c.

On reference barrister may inspect books and administer oaths to witnesses. False swearing, &c. to be perjury.

Two written or printed copies of rules, &c. to be submitted to barrister for his certificate. more of the persons as in their opinion would have been entitled to the same, according to the statute of distributions, if the said depositor and such person or persons had been legitimate.

XII. And whereas deposits in savings banks may have been made or may be made by married women, and deposits may have been made and may be made by women who may have afterwards married: Be it enacted, that it shall be lawful for the trustees or managers of any savings bank to pay any sum of money in respect of any such deposit to any such woman, unless the husband of such woman shall give to such trustees or managers notice in writing of such marriage, and shall require payment to be made to him.

XIV. And be it enacted, that if any dispute shall arise between the trustees and managers of any savings bank and any individual depositor therein, or any executor, administrator, next of kin, or creditor, or assignee of depositor, who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next of kin, creditor, or assignee, or to be entitled to any money deposited in such savings bank, then and in every such case the matter in dispute shall be referred in writing to the barrister at law appointed under the said recited Acts, who shall have power to proceed ex parte on notice in writing to the said trustees or managers left or sent by the said barrister to the office of the said institution; and whatever award, order, or determination shall be made by the said barrister shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal; and no submission to, or award, order, or determination of the said barrister shall be subject or liable to or charged with any stamp duty whatever.

XV. AND be it enacted, that on any such reference it shall be lawful for the said barrister, and he is hereby authorized, to inspect any book or books belonging to the said institution relating to the matter in dispute, and to administer an oath to any witness appearing before him, or to take the affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

XIX. And be it enacted, that two written or printed copies of all rules or alterations of rules made in pursuance of the said recited Acts or this Act, signed by two trustees, with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted to the barrister at law appointed under the provisions of the said recited Act, for the purpose of ascertaining whether the said rules or alterations or amendments thereof are in conformity to law and with the provisions of the said Acts relating to savings banks or government aunuity society; and that the said barrister shall give a certificate on each of the said written or printed copies that the same are in conformity to law and the provisions of the said last-mentioned Acts, or point out in what part or parts the said rules, alterations, or amendments, are repugnant thereto; and that the barrister for perusing the rules or alterations or amendments of the rules of such respective savings bank or government annuity

works of a noisome kind, or in which deleterious materials are used, or deleterious products are created, the health and comfort of the inhabitants are extensively impaired and endangered, it is expedient to make provision for the adoption of all such expedients as either have been or shall be devised for carrying on such businesses, so as to render them as little noisome or deleterious as possible to the inhabitants of the neighbourhood; and if there be no such expedients, or if such expedients be not available in a sufficient degree, then for the carrying on of such noisome and unwholesome businesses at safer distances from other buildings used for habitation:

General provisions.

Now for all the several purposes above mentioned, and for the purpose of consolidating the provisions of the law relating to the construction and the use of buildings in the metropolis and its neighbourhood, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that with regard to this Act generally, so far as relates to the operation thereof in reference to time, it shall come into operation at the following times; (that is to say,) as to the districts and the officers to be appointed in pursuance hereof on the first day of September next, and as to the buildings, streets, and other matters on the first day of January one thousand eight hundred and forty-five; and that on the said first day of January all the Acts mentioned in the schedule (A.) hereunto annexed, except so far as in the said schedule is provided, shall be and are hereby repealed. [Rep., 18 & 19 Vict. c. 122. s. 109.]

Repeal of

Commence-

ment of Act.

Construction of terms.

II. And be it declared, with regard to this Act generally, so far as relates to the construction of certain terms and expressions used therein, that the following terms and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context, or by the nature of the subject matter; (that is to say,)

Parish.

The word "parish" to include all parochial districts and extra-parochial places in which separate churchwardens, overseers, or constables are appointed; and where two parishes have been united for ecclesiastical purposes, then to include such united parishes:

Owner.

The word "owner" to apply generally to every person in possession or receipt either of the whole or of any part of the rents or profits of any ground or tenement, or in the occupation of such ground or tenement, other than as a tenant from year to year, or for any less term, or a tenant at will:

Month.

The word "month" to mean a calendar month:

Justice of peace.

The expression "justice of the peace" to mean a justice of the peace for the county, division, or liberty within which the building or other subject matter, or any part thereof, is situate; unless it be situate within the city of London or the liberties thereof, in reference to which any matter or thing elsewhere required or authorized to be done either by one or by two or more justices of the peace may be done either by the lord mayor of the city of London or by any one, two, or more justices of the peace for the said city; or unless the subject matter be situate in the district of any police court of the metropolis, in reference to which any matter or thing elsewhere required or authorized to be done by two or more justices may be done by one magistrate:

Local officers.

And, generally, whensoever the name of an officer having local jurisdiction in respect of his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the officer having jurisdiction in that place within which is situate the building or other subject matter, or any part thereof, to which such reference applies:

Singular and plural.

Masculine and feminine.

Individuals and bodies corporate.

And, subject as aforesaid to the context and to the nature of the subject matter, words importing the singular number are to be understood to apply to a plurality of persons or things, and words importing the masculine gender are to be understood to apply to persons of the feminine gender, and words importing an individual are to be understood to apply to a corporation or company, or other body of persons. [Rep., 18 & 19 Vict. c. 122. s. 109.]

Buildings, use thercof.

Provision concerning businesses dangerous in respect of fire or explosion.

Buildings not to be erected within 50 feet of buildings used for such businesses. New businesses not to be established within 40 feet of road or 50 of other buildings or land of other owners. Businesses now carried on within prohibited distances not to be carried on after 20 years. Penalty, 50%. a day.

Costs.

Distress ; or imprisonment.

Regulation of offensive businesses.

LIV. And now, for the purpose of making provision concerning businesses dangerous in respect of fire or explosion, be it enacted, with regard to the following businesses, (that is to say,) the manufacture of gunpowder or of detonating powder, or of matches ignitable by friction or otherwise, or other substances liable to sudden explosion, inflammation, or ignition, or of vitriol or of turpentine, or of naptha, or of varnish, or of fireworks, or painted table covers, and any other manufacture dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion. so far as relates to the erection of buildings in the neighbourhood of the place where any such business is carried on, and so far as relates to the carrying on of any such business in the neighbourhood of public ways or buildings, that it shall not be lawful hereafter to erect any building of any class nearer than fifty feet from any building which shall be in use for any such dangerous business; but if a building already existing within fifty feet from any such building be hereafter pulled down, burnt, or destroyed by tempest, such building may be rebuilt; and that it shall not be lawful for any person to establish or newly carry on any such business, either in any building or vault or in the open air, at a less distance than forty feet from any public way, or than fifty feet from any other building, or any vacant ground belonging to any other person than his landlord; and that if any such business be now carried on in any situation within such distances, then from the expiration of the period of twenty years next after the passing of this Act it shall not be lawful to continue to carry on such business in such situations; and that if any person erect any building in the neighbourhood of any such business contrary to this Act, then, on conviction thereof before two justices, he shall forfeit a sum not exceeding fifty pounds for every day during which such building shall. so remain near to such dangerous business; or if any person establish anew any such business, or carry on any such business contrary to this Act, then, on conviction thereof before two justices, such person shall be liable to forfeit for every day during which such business shall be so carried on a sum not exceeding fifty pounds, as the said justices shall determine, and that it shall be lawful for the justices also to award to the prosecutor such costs as shall be deemed reasonable; and that if the offender either fail or refuse to pay such penalty and costs immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted; or if there be no such distress, then such person shall be committed to the common gaol or house of correction for any time not exceeding six months, at the discretion of such justices, and that by warrant under the hands and seals of two or more justices of the peace.

ILVa. And now, for the purpose of making provision concerning businesses. offensive or noxious, be it enacted, with regard to the following businesses, that is to say,

Blood-boiler,

Bone-boiler,

Fellmonger,

Slaughterer of cattle, sheep, or horses,

Soap-boiler, Tallow-melter, Tripe-boiler,

I Section 55 is rep., so far as it relates to the several businesses of a soap-boiler, tallow-melter, knacker, fellmonger, tripe-boiler, or slaughterer of cattle, 37 & 38 Vict. c. 67. s. 14.7

Buildings, use thereof.

pend execution of order on condition of adoption of means to mitigate.

Mitigation of penalty or suspension of order by superior courts.

Appeal to quarter sessions from decision of justices as to offensive businesses. so far as relates to the adoption of means to mitigate the injurious effects thereof, that, notwithstanding the said period of thirty years shall have expired if it shall appear to the justices, whether at petty sessions as aforesaid, or on appeal, or on trial by jury as herein-after provided, that the party carrying on any such business shall have made due endeavours to carry on the same with a view to mitigate, so far as possible, the effects of such business, then, although he hath not adopted all or the best means available for the purpose. yet it shall be lawful for such justices assembled, and they are hereby empowered, to suspend the execution of their order or determination, upon condition that within a reasonable time, to be named, the party convicted do adopt such other or better means as to the said justices shall seem fit, or before passing final sentence, and without consulting the prosecutor, to make such order touching the carrying on of such business as shall be by the said court thought expedient for preventing the nuisance in future: Provided always, that if the matter in respect of which such penalty shall be incurred come before any superior court it shall be lawful for such court to exercise such power of mitigating such penalty, or of suspending the execution of any judgment, order, or determination in the matter, or to make such order touching the carrying on of such business, as to the court shall seem fit in the case,

LVII. And be it enacted, with regard to any business offensive, noxious, or dangerous, and with regard to any building erected or continued within any such distance as aforesaid from any such business dangerous, noxious, or offensive, so far as relates to a conviction in respect of any such business, and to an appeal from such conviction, that if any person be dissatisfied with the decision of such justices, and if, within four days after such decision, notice be given to the party appealed against, by or on behalf of such person, of his intention to appeal, and if he enter into a recognizance, with two sufficient securities, conditioned to try such appeal, and to abide the order of the court, and pay to the party appealed against such costs (if any) as shall be awarded against him, then it shall be lawful for such party so dissatisfied to appeal against such conviction to the justices of the peace at their general quarter sessions of the peace to be holden within four months after such conviction for the place in which such premises shall be situate; and that if the premises be situate within the city of London and liberties thereof, then the appeal must be to the quarter sessions thereof, or if the premises be situate in the counties of Middlesex, Kent, or Surrey, or in the city and liberties of Westminster, or in the liberties of her Majesty's Tower of London, then to the quarter sessions thereof respectively, as the case shall be; and that if within the above-mentioned period such appellant shall have entered into such recognizance as herein required, and if within one month thereafter he give notice of the grounds of such appeal, then it shall be lawful for such justices, and they are hereby empowered, to proceed to hear and examine on oath into the causes and matters of such appeal, (which oath they are hereby empowered to administer,) and to determine the same, and to award such costs to be paid by the said parties as they think proper; and the order, judgment, and determination of the said justices in their respective sessions shall be binding and conclusive upon all parties.

Trial by jury at quarter LVIII. PROVIDED always, and be it enacted, that if before conviction by two such justices the party complained against desire to have the matter tried

hereby empowered and required, to make such adjournment and hold such sessions as there shall be occasion.

This Act not to authorize the carrying on of businesses contrary to statute or common law.

Power to prosecute for carrying on such businesses not affected.

Regulation or removal of offensive business on payment of compensation. Memorial to Queen in council.

Order for purchase or removal at expense of memorialists or by rate.

Compensation how to be determined.

4 & 5 Vict. c. 12.

Business not to be carried on after 3 months from payment or tender of compensation.

Funds for defraying compensation LX. Provided always, and be it declared, with regard to any business which is contrary to any existing Act of Parliament, or otherwise contrary to law, so far as relates to the operation of this Act in that behalf, that, notwithstanding any thing in this Act contained, this Act shall not be deemed to authorize any person to carry on any such business either within such limits or otherwise, or any business which it is unlawful to carry on within any limits or in any manner contrary to any public, local, or private Act of Parliament, or otherwise contrary to law; nor to affect, abridge, or restrain the right, the duty, or the power, of any person, whether private person or public officer, to prosecute, either civilly or criminally, any person who shall carry on within the limits of this Act any offensive, noxious, or dangerous business.

LXI. And further, for the regulation or removal of any offensive, noxious, or dangerous business now carried on: Be it enacted, with regard to any such business, so far as relates to the purchase thereof, or of the premises wherein it shall be carried on, that if two thirds in number of the inhabitant householders of any parish in which such business shall be carried on present a memorial to her Majesty in council, stating the existence of such offensive, noxious, or dangerous business in such parish or the neighbourhood thereof, and praying the removal of such business therefrom, and thereby engaging to provide compensation to the persons carrying on the same, either at the expence of the memorialists, or by means of a rate to be levied on the inhabitants of the said parish, or such part thereof as may be affected by such business, then it shall be lawful for her Majesty to refer the matter to the lords of the committee of privy council for trade to consider the character of such business, whether it be offensive, noxious, or dangerous; and if it appear to be so, and that there are no means of rendering it otherwise by the adoption of methods available, without unreasonable sacrifice on the part of the person by whom it is carried on, then it shall be lawful for her Majesty, by order in council, to direct that the removal of such business may be purchased, either at the expence of the memorialists or by means of a rate as aforesaid, as to her Majesty shall seem fit, and also to direct the sheriff of the county or other proper person in the parish or liberty in which such business is carried on to summon a jury, according to the provisions of an Act made and passed in the fourth year of the reign of her present Majesty, intituled "An Act to enable her Majesty's com-" missioners of woods to make a new street from Coventry Street to Long " Acre, and for other improvements in the metropolis," to determine what compensation shall be paid to the party carrying on such business for the removal thereof, and to the owner and occupier of the premises for the restriction of the use of his buildings for such purpose; and that if within three months after the verdict of such jury shall be given, and judgment thereon, the inhabitants of such parish or neighbourhood pay or tender such compensation, then within three months from the payment or tender of such compensation it shall cease to be lawful for the party carrying on such business to continue the same, and for any owner or occupier thereof either to carry on or to permit to be carried on such business in the same or any part of the same premises.

LXII. And be it enacted, with regard to the funds for defraying such compensation, so far as relates to the raising thereof, that if her Majesty shall by

Date of Act.	Title of Act.	Extent of Repeal.
2d. —50 Geo. III. c. 75. (1810.)	An Act to amend an Act of the four- teenth year of his present Majesty, for the better regulation of buildings and party walls, and for the more effectually preventing mischiefs by fire, within the cities of London and Westminster, by permitting John's patent tessera to be used in covering	ment of servants for carelessly firing a house (§ 84), and to the attendance of peace and parish officers at fires (§ 85), and to legal proceedings in respect of accidental fires (§ 86); and any other part of the said Act, so far as it is necessary for giving full effect to the respective purposes of such several unrepealed sections. Wholly.
3d.—3 & 4 Vict. c. 85. (1840.)	of houses and buildings within the places therein mentioned. An Act for the regulation of chimney sweepers and chimneys.	So much thereof as relates to the con- struction and regulation of chimneys and flues within the limits of this Act.

[Rep., 18 & 19 Vict. c. 122, s. 109.]

SCHEDULE (C.)—PART I.—(See § 5.)

RULES for determining the Classes and Rates to which Buildings are to be deemed to belong for the purposes of this Act, and the thicknesses of the walls of buildings of such rates.

Classes of Buildings.

For the purposes of this Act, all buildings of whatever kind, subject to the provisions thereof, are to be deemed to belong to one or other of the following three classes; that is to say,

First Class.

If a building be built originally as a dwelling house, or be occupied or intended to be occupied as such, then it is to be deemed to belong to the first or dwelling house class.

Second Class.

If a building be built originally as a warehouse, storehouse, granary, brewery, distillery, manufactory, workshop, or stable, or be occupied or intended to be occupied as such, or for a similar purpose, then it is to be deemed to belong to the second or warehouse class.

Third Class.

If a building be built originally as a church, chapel, or other place of public worship, college, hall, hospital, theatre, public concert room, public ball room, public lecture room, public exhibition room, or occupied or intended to be occupied as such, or for a similar purpose, or otherwise used or intended to be used, either temporarily or permanently, for the assemblage of persons in large numbers, whether for public worship, business, instruction, debate, diversion, or resort, then it is to be deemed to belong to the third or public building class.

Alteration of Class.

And if any room, whether constructed within any other building or not, and whether included in the aforesaid classes or not, be used at any time for the public or general congregation of persons, then the building containing such room is to be deemed a building of the third or public building class

building of the third or public building class.

Or if a building originally built, or subsequently altered so as to bring it within any one class, be subsequently converted into or used as a building of another class, then it is to be deemed to belong to such other class; and as to it all the conditions prescribed with regard to buildings of the same rate of such other class must be fulfilled as if it had been originally built of such class, subject nevertheless to such modifications as shall be sanctioned by the official referees on a special supervision thereof.

Or if a building be used partly as a dwelling house and partly for any purpose which would bring it within the second or warehouse class, then it is to be deemed to

Reference to arbitration to increase the purchase money in certain cases.

Option not to be exercised while revised scale is in force.

Existing railways not to be subjected to revision or purchase. As to branches of existing railways.

Notice of revision or purchase not to be given till funds for guarantee or purchase are provided by Parliament.

Bills empowering exercise of option not to be introduced without notice to company

Accounts to be kept by railways liable to revision or purchase.

affected.

and on behalf of her Majesty, upon giving to the said company three calendar months notice in writing of their intention, and upon payment of a sum equal to twenty-five years purchase of the said annual divisible profits, estimated on the average of the three then next preceding years: Provided that if the average rate of profits for the said three years shall be less than the rate of ten pounds in the hundred it shall be lawful for the company, if they shall be of opinion that the said rate of twenty-five years purchase of the said average profits is an inadequate rate of purchase of such railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said company: Provided also, that such option of purchase shall not be exercised, except with the consent of the company, while any such revised scale of tolls, fares, and charges shall be in force.

III. PROVIDED always, and be it enacted, that the option of revision or purchase shall not be applied to any railway made or authorized to be made by any Act previous to the present session; and that no branch or extension of less than five miles in length of any such line of railway shall be taken to be a new railway within the provisions of this Act; and that the said option of purchase shall not be exercised as regards any branch or extension of any railway without including such railway in the purchase, in case the proprietors thereof shall require that the same be so included.

IV. And whereas it is expedient that the policy of revision or purchase should in no manner be prejudged by the provisions of this Act, but should remain for the future consideration of the legislature, upon grounds of general and national policy: And whereas it is not the intention of this Act that under the said powers of revision or purchase, if called into use, the public resources should be employed to sustain an undue competition against any independent company or companies: Be it enacted, that no such notice as herein-before mentioned, whether of revision or purchase, shall be given until provision shall have been made by Parliament, by an Act or Acts to be passed in that behalf, for authorizing the guarantee or the levy of the purchase money herein-before mentioned, as the case may be, and for determining, subject to the conditions herein-before mentioned, the manner in which the said options or either of them shall be exercised; and that no Bill for giving powers to exercise the said options, or either of them, shall be received in either House of Parliament unless it be recited in the preamble to such Bill that three months notice of the intention to apply to Parliament for such powers has been given by the said lords commissioners to the company or companies to be affected thereby.

V. And be it enacted, that, from and after the commencement of the period of three years next preceding the period at which the option of revision or purchase becomes available full and true accounts shall be kept of all sums of money received and paid on account of any railway within the provisions herein-before contained, (distinguishing, if the said railway shall be a branch railway or one worked in common with other railways, the receipts, and giving an estimate of the expences on account of the said railway, from those on account of the trunk, line, or other railways,) by the directors of the company to whom such railway belongs or by whom the same may be worked; and

The fare or charge for each third class passenger by such train shall not exceed one penny for each mile travelled:

Each passenger by such train shall be allowed to take with him half a hundred weight of luggage, not being merchandize or other articles carried for hire or profit, without extra charge; and any excess of luggage shall be charged by weight, at a rate not exceeding the lowest rate of charge for passengers luggage by other trains:

Children under three years of age accompanying passengers by such train shall be taken without any charge, and children of three years and upwards, but under twelve years of age, at half the charge for an adult passenger:

And with respect to all railways subject to these obligations which shall be open on or before the first day of November next these obligations shall come into force on the said first day of November; and with respect to all other railways subject to these obligations they shall come into force on the day of opening of the railway, or the day after the last day of the session in which the Act shall be passed by reason of which the company will become subject thereunto, which shall first happen.

Penalty for non-compliance 20%. a day. VII. AND be it enacted, that if any railway company shall refuse or wilfully neglect to comply with the provisions of this Act as to the said cheap trains within a reasonable time, or shall attempt to evade the operation of such order, such company shall forfeit to her Majesty a sum not exceeding twenty pounds for every day during which such refusal, neglect, or evasion shall continue.

Board of Trade to have a discretionary power of allowing alternative arrangements, except as to amount of fares to be charged. VIII. Provided always, and be it enacted, that, except as to the amount of fare or charge for each passenger by such cheap trains, which shall in no case exceed the rates herein-before in such case provided, the lords of the said committee shall have a discretionary power, upon the application of any railway company, of dispensing with any of the conditions herein-before required in regard to the conveyance of passengers by such cheap trains as aforesaid, in consideration of such other arrangements, either in regard to speed, covering from the weather, seats, or other particulars, as to the lords of the said committee shall appear more beneficial and convenient for the passengers by such cheap trains under the circumstances of the case, and shall be sanctioned by them accordingly; and any railway company which shall conform to such other conditions as shall be so sanctioned by the lords of the said committee shall not be liable to any penalty for not observing the conditions which shall have been so dispensed with by the lords of the said committee in regard to the said cheap trains and the passengers conveyed thereby.

IX. AND be it enacted, that no tax shall be levied upon the receipts of any railway company from the conveyance of passengers at fares not exceeding one penny for each mile by any such cheap train as aforesaid.

X. And be it enacted, that whenever any railway company subject to the herein-before mentioned obligation of running cheap trains shall, from and after the days herein-before specified on which the said obligation is to accrue, run any train or trains on Sundays for the conveyance of passengers, it shall, under the obligations contained in its Act or Acts of Parliament, and with the immunities applicable by law to carriers of passengers by railway, by such train each way, on every Sunday, as shall stop at the greatest number of

Exemption from tax on receipts from such cheap trains.
Where companies run trains on Sunday cheap carriages to be likewise provided on stopping trains.

destination at the public expence, children under three years of age 80 entitled being taken free of charge, and children of three years of age or upwards, but under twelve years of age, so entitled being taken at half the price of an adult; and such soldiers, marines, and privates of the militia or police force, and their wives, widows, and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge, all excess of the above weights of personal luggage being paid for at the rate of not more than one halfpenny per pound, and all public baggage, stores, arms, ammunition, and other necessaries and things, (except gunpowder and other combustible matters, which the company shall only be bound to convey at such prices and upon such conditions as may be from time to time contracted for between the secretary at war and the company,) shall be conveyed at charges not exceeding two-pence per ton per mile, the assistance of the military or other forces being given in loading and unloading such goods.

Companies to allow lines of electrical telegraph to be established for her Majesty's service, and afford facilities for using the same.

Right of user by company.

Electrical telegraphs established by companies or private parties to be open to the public.

XIII. And whereas electrical telegraphs have been established on certain railways, and may be more extensively established hereafter, and it is expedient to provide for their due regulation: Be it enacted, that every railway company, on being required so to do by the lords of the said committee, shall be bound to allow any person or persons authorized by the lords of the said committee, with servants and workmen, at all reasonable times to enter into or upon their lands, and to establish and lay down upon such lands adjoining the line of such railway a line of electrical telegraph for her Majesty's service, and to give to him and them every reasonable facility for laying down the same, and for using the same for the purpose of receiving and sending messages on her Majesty's service, subject to such reasonable remuneration to the company as may be agreed upon between the company and the lords of the said committee, or in case of disagreement as may be settled by arbitration: Provided always, that, subject to a prior right of use thereof for the purposes of her Majesty, such telegraph may be used by the company for the purposes of the railway, upon such terms as may be agreed upon between the parties, or, in the event of difference, as may be settled by arbitration.

XIV. And be it enacted, that where a line of electrical telegraph shall have been established upon any railway by the company to whom such railway belongs, or by any company, partnership, person or persons, otherwise than exclusively for her Majesty's service, or exclusively for the purposes of the railway, or jointly for both, the use of such electrical telegraph, for the purpose of receiving and sending messages, shall, subject to the prior right of use thereof for the service of her Majesty and for the purposes of the company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said railway company, be open for the sending and receiving of messages by all persons alike, without favour or preference.

instruments purporting to give a security for the repayment of the principal

Issue of loan notes and other securities by railway companies, otherwise than under authority of Acts of Parliament, prohibited.

Register of loan notes and other securities to be kept and to be open to inspection. XXI. And be it enacted, that a register of all such loan notes or other instruments shall be kept by the secretary; and such register shall be open, without fee or reward, at all reasonable times, to the inspection of any shareholder or auditor of the undertaking, and of every person interested in any such loan note or other instrument, desirous of inspecting the same.

Remedy for recovery of tithe rent charged on land taken by railways.

XXII. And whereas the remedies now in force for the recovery of tithe commutation rent-charges are in many instances ineffectual for such parts thereof as are charged upon lands taken for the purposes of a railway, and it is therefore expedient to extend the said remedies when the said rent-charges may have been duly apportioned: Be it enacted, that in all cases in which any such rent-charge, or part of any rent-charge, has been or hereafter shall be duly apportioned under the provisions of the Acts for the commutation of tithes in England and Wales upon lands taken or purchased by any railway company for the purposes of such company, or upon any part of such lands, it shall be lawful for every person entitled to the said rent-charge or parts of such rent-charge, in case the same has been or shall be in arrear and unpaid for the space of twenty-one days next after any half-yearly day fixed for the payment thereof, to distrain for all arrears of the said rent-charge upon the goods, chattels, and effects of the said company, whether on the land charged therewith, or any other lands, premises, or hereditaments of such company, whether situated in the same parish or elsewhere, and to dispose of the distress when taken, and otherwise to demean himself in relation thereto, as any landlord may for arrears of rent reserved on a lease for years: Provided always, that nothing herein contained shall give or be construed to give a legal right to such rent-charge, when but for this Act such rent charge was not or could not be duly apportioned.

Recovery and application of penalties.

XXIV. And be it enacted, that all penalties under this Act for the application of which no special provision is made shall be recovered in the name and for the use of her Majesty, and may be recovered in any of her Majesty's courts of record, or in the Court of Session or in any of the sheriff courts in Scotland.

Interpretation of Act. XXV. And be it enacted, that where the word "railway" is used in this Act it shall be construed to extend to railways constructed under the powers

granted under or by virtue of the said Act of the twenty-sixth year of King George the Third, authorizing any person to keep or use any house or place for the purpose of slaughtering or killing any horse or other cattle, (not killed for butchers meat,) shall be granted, and shall continue in force, for a period not exceeding one year from the date at which the same was granted, determinable as herein-after provided: Provided nevertheless, that in the case of the renewal of any such licence to any person to whom any such licence may have been previously granted as aforesaid it shall not be necessary for such person to obtain or produce to the justices at such general quarter sessions of the peace a certificate under the hands and seals of the minister, churchwardens, overseers, or householders, as required by the said last-mentioned Act.

Justices in quarter sessions may cancel licences. wardens, overseers, or householders, as required by the said last-mentioned Act. II. And be it enacted, that it shall be lawful for the justices assembled at any general quarter sessions of the peace to be holden for any county, upon application and complaint made to them in writing by any person, and upon due proof being made to them that the party so complaining had given four-teen days previous notice in writing thereof to the clerk of the peace for such county, and also to the party complained against, and upon due proof to their satisfaction that any person so licensed as aforesaid has been guilty of any breach or violation of the said two several herein-before recited Acts or either of them, or of this Act, or any part or parts thereof respectively, to cancel and wholly put an end to any and every licence which may have been granted to the person or persons so complained against, and from thenceforth the same shall be of no force or effect.

Persons
wantonly or
cruelly illtreating any
horse, &c.
to be liable
to penalty.

Power for constables to enter licensed places. III. And be it enacted, that if any such licensed or other person shall wantonly or cruelly beat, ill-treat, abuse, wound, or torture any horse or other cattle in any house, pound, stable, or other place in the occupation or use of such licensed person, every such person shall for every such offence, on conviction thereof, forfeit and pay a sum of money not exceeding five pounds.

IV. And be it enacted, that it shall be lawful for any constable from time to time, and as often as he shall think fit, at all reasonable times in the day-time, by authority of this Act, either alone or accompanied by any inspector appointed or to be appointed under the first-recited Act, to enter upon and view and inspect all and every the houses, stables, sheds, yards, grounds, and premises for the keeping of which any such licence shall have been granted as aforesaid, and also to inspect or take an account of all or any of the horses or other cattle which shall from time to time be found upon such premises or any part thereof.

Penalty for obstructing inspectors.

V. And be it enacted, that in case any person to whom any such licence shall be granted as aforesaid, or any other person, shall at any time or in any manner obstruct, hinder, molest, or assault any such inspector whilst in the discharge of his duty, or the exercise of his power or authority under or by virtue of the said first-recited Act or of this Act, every such offender shall for every such offence, on conviction thereof, forfeit and pay such a sum of money, not exceeding ten pounds, as any two or more justices before whom such offender shall be brought shall deem fit.

Penalty on inspector neglecting .his duty. VI. And be it enacted, that in case any such inspector shall at any time be guilty of any neglect or violation of the duty required of him by law, then and in every such case such inspector shall, upon conviction, forfeit and pay for every such offence a sum of money not exceeding ten pounds.

or division; the word "horse" shall include mare, gelding, mule, pony, colt, or filly; the word "cattle" shall include bull, ox, cow, steer, heifer, calf, ass, sheep, lamb, goat, pig, or any other domestic animal; the word "constable" shall include headborough, peace officer, or police officer; and every word importing the singular number only shall extend and be applied to several persons and things as well as to one person or thing; and every word importing the masculine gender only shall extend to a female as well as a male.

CHAPTER LXXXIX.

An Act for auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

[9th August 1844.]

2 & 3 Will. 4.

Commissioners for auditing the public accounts shall audit the accounts of the commissioners of

woods, &c.

Accounts
when audited
to be kept
of record in
the Land
Revenue
Record Office.

WHEREAS an Act was passed in the second year of the reign of his late Majesty, intituled "An Act for uniting the office of surveyor general " of his Majesty's works and public buildings with the office of the commis-" sioners of his Majesty's woods and forests and land revenues; and for other " purposes relating to the land revenues": And whereas doubts have arisen as to the powers vested in the commissioners for examining and auditing the public accounts of the kingdom, in examining and auditing the accounts referred to them under the said Act, and also the several accounts of other monies under the control and management of the first-mentioned commissioners: Be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said commissioners for auditing the public accounts of the kingdom shall examine, try, and audit the accounts of all monies which by any Act of Parliament are or shall be under the control and management of the commissioners of her Majesty's woods, forests, land revenue, works, and buildings, and in examining, trying, and auditing any of the said accounts shall have all the powers which are vested in them under any law, usage, custom, or otherwise howsoever: . . .

II. And be it enacted, that every general account of the land revenue of the crown referred or which may be referred by the first-recited Act to the commissioners for auditing the public accounts of the kingdom, after the same shall have been audited, declared, and enrolled in the office of her Majesty's remembrancer of the Court of Exchequer, [Rep., Stat. Law Rev. Act, 1874 (No. 2). shall be delivered by the said commissioners of audit, so audited and declared, together with the several detailed and subsidiary accounts of the receivers, surveyors, rangers, gavellers, stewards, bailiffs, collectors, or other local officers for the time being charged or intrusted with the receipt or collection of rents or other monies, dues, royalties, or revenues of the crown, (which are or may be mentioned or referred to in such general account,) to the keeper of land revenue records and enrolments, not later than three years after the declaration of the said general account, unless by special direction of the commissioners of her Majesty's Treasury any of the said accounts shall be kept for a longer time, not more than seven years, for comparison with the accounts of following years; and such general and detailed and subsidiary accounts, and the declaraJudgments, &c. not to be docketed re-docketed, or revived under provisions of recited Acts after 1st November 1844.

Re-docketing and revival books to be closed and handed over to officer appointed under this Act, and to be deemed books under this Act.

Judgments re-docketed or revived under 9 Geo. 4. c. 35. to be deemed to be registered under this Act, and to operate from dates of redocketing and entering as if registered under this Act, and to be subject to provisions for re-registration. Judgments or rules for judgment not to affect lands, &c. as against

the same should be re-docketed, or a revival thereof entered, in the manner therein mentioned: And whereas it is expedient to make further provisions for the protection of purchasers against judgments, and against crown debts and lis pendens, and to establish one office in Dublin in which alone purchasers, and heirs, executors, or administrators, may find all judgments which would bind lands in the hands of a purchaser, or give a preference against heirs, executors, or administrators in the administration of their ancestors, testators, or intestates effects: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of November in the year one thousand eight hundred and forty-four no judgment of any superior court of record, or rule for such judgment, shall be docketed or entered under the provisions of the said Act of the third year of the reign of his late Majesty King George the Second; and that from and after that day no such judgment, nor any revival of any such judgment, shall be re-docketed or entered under the said provisions of the said Act of the ninth year of the reign of his late Majesty King George the Fourth; and that all books of or for such re-docketings or entries under either of the said Acts shall on the first day of November in the year one thousand eight hundred and forty-four be. finally closed, without prejudice to the operation of any judgment which shall have been in that time docketed and entered, or re-docketed or entered in the book of revivals, under the provisions of either of the said recited Acts, except so far as any such judgment may be affected by the provisions hereinafter contained; and that upon the close of the said first day of November in the year one thousand eight hundred and forty-four all the said re-docketing and revival books kept under the provisions of the said last-mentioned Act in every of the said superior courts of common law in Ireland shall, by the officer. having in each of such courts respectively the custody of the same, be handed over to the officer to be appointed under this Act; and that such books, when so handed over, shall be forthwith deposited by the said last-mentioned officer in the office to be established under this Act, and shall be considered as part of the books to which access is to be had for the charge of three shillings or of one shilling, as herein-after provided; and that all judgments which have already been or on or before the first day of November one thousand eight hundred and forty-four shall be re-docketed or entered as revived in the said books, under the provisions of the said Act of the ninth year of the reign of his late Majesty King George the Fourth, shall be deemed to be registered under the provisions of this Act, and shall operate from the time of such re-docketing or entry after the revival precisely as if the same had been, registered under the authority of this Act, but with the benefit of its actual priority as the same existed before the passing of this Act, and shall be subject to the provision herein-after contained with respect to the re-registering.

II. And be it enacted, that no judgment of the said superior courts respectively, or rule for such judgment, already docketed under the said first-recited Act, and which has not already been or shall not on or before the said first day of November one thousand eight hundred and forty-four be re-docketed or entered after revival under the said Act of the ninth year of the reign of his late Majesty King George the Fourth, shall, after the first day of November

court under 3 & 4 Vict. c. 105. not to affect lands, &c. as against purchasers, &c. unless memorandum of par-ticulars be left with officer under this Act, and registered.

shall from and after the first day of November one thousand eight hundred and forty-four affect any lands, tenements, or hereditaments, as to purchasers. mortgagees, or creditors, unless and until such a memorandum or minute thereof, containing the name or title of the cause or matter in which the same shall have been made or pronounced, and the names and the usual or last known place of abode, and the title, trade, or profession, of the plaintiff if there be such, and of the defendant or person whose estate is intended to be affected thereby, and the court in which such judgment, rule, or order shall have been pronounced, and the date of the same, and the amount of the debt. damages, costs, and monies thereby recovered or ordered to be paid, shall be left with the officer appointed under this Act, who shall forthwith enter the same in manner aforesaid; and such officer shall be entitled for every such entry to the sum of five shillings.

Fee for entry.

The date when memorandum of particulars is left with officer to be entered in the book.

Judgments, decrees, orders, &c. after twenty years not to affect lands, &c. as against purchasers, &c. unless fresh memorandum is left with officer and entered by him within 20 years before purchase, &c.

Re-registration

Fee for reentering.

An original entry under 3 Gco. 2. (I.) c. 7. or this Act to be deemed binding upon purchasers, &c. claiming under any deed executed

V. AND be it enacted, that, in addition to the entry by the said lastmentioned Act or by this Act required to be made in a book of the particulars to be contained in every memorandum or minute of any judgment, decree. rule, or order, or other matter, such officer so to be appointed as aforesaid shall insert in such book the year and the day of the month when every such memorandum or minute is so left with him.

VI. And be it enacted, that all judgments already re-docketed or entered after revival, or which on or before the first day of November one thousand eight hundred and forty-four shall be re-docketed or entered after revival, under the said Act of the ninth year of his late Majesty King George the Fourth, shall, after the expiration of twenty years from the date of such re-docket or entry, and all judgments which, having been entered or docketed under the said Act of the third year of his late Majesty King George the Second only, shall be registered under the provisions of this Act, and all judgments of the superior courts respectively which shall for the first time be docketed or registered under the provisions of this Act, shall respectively after the expiration of twenty years from the date of such registry under this Act, and all decrees or orders in any court of equity, rules in any court of common law, and orders in bankruptcy or lunacy, which since the passing of the said recited Act of the third and fourth years of the reign of her present Majesty have been or shall be registered under the provisions therein mentioned, or which shall be registered under the provisions of this Act, and all judgments, rules, and orders of any inferior courts which shall be registered under the provisions of this Act, shall, after the expiration of twenty years from the date of the entry thereof under the said last-mentioned Act or under the provisions of this Act (as the case may be), be null and void against lands, tenements, and other hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as was required in the first instance be again left with such officer to be appointed under this Act within twenty years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within twenty years every 20 years. before the right of such creditor accrued, and so totics quoties at the expiration of every succeeding twenty years; and such officer as aforesaid shall forthwith re-enter the same in like manner as the same was originally entered; and such officer shall be entitled for any such re-entry to the sum of one shilling. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

VII. Provided always, and be it enacted, that an original entry under the said first-recited Act or under this Act shall be deemed binding, without any re-docket or registry under the said Act of the ninth year of his said late Majesty King George the Fourth or under this Act, on all purchasers and mortgagees who claim or shall claim under any conveyance, settlement, mortgage, lease, or other deed or instrument, vesting or transferring the legal or equitable right, title, estate, or interest in or to any such purchaser or mortFee for entry.

Re-registration
of lis pendens
every 20 years.

forthwith enter the same particulars in a book as aforesaid, in alphabetical order, by the name of the person whose estate is intended to be affected by such lis pendens, and which book in to be intituled "The Index to Lis" Pendens"; and such officer shall be entitled for every such entry to the sum of two shillings and sixpence; and the provisions herein-before contained in regard to the re-registering of judgments every twenty years, and the operation thereof, and the fee payable to the officer thereon, shall extend to every case of lis pendens which shall be re-registered under the provisions of this Act.

Recognizances, crown debts or bonds, &c. or acceptance of office, making officer's lands liable under 21 & 22 Geo. 3. (L) c. 20. not to affect lands, &c. as against purchasers, &c. unless registered under this Act.

XI. And be it enacted, that from and after the first day of November in the year one thousand eight hundred and forty-four no judgment, statute, or recognizance which shall hereafter be obtained or entered into in the name or upon the proper account of her Majesty, her heirs or successors, or inquisition upon which any debt shall hereafter be found due to her Majesty, her heirs or successors, or obligation or specialty which shall hereafter be made to her Majesty, her heirs or successors, or any acceptance of office which shall hereafter be accepted by officers whose lands shall thereby become liable for the payment and satisfaction of arrearages under the provisions of an Act passed in a session of Parliament holden in the twenty-first and twenty-second years. of the reign of his late Majesty King George the Third, intituled "An Act " for the more speedy and effectual recovery of the King's debts," shall affect any lands, tenements, or hereditaments, as to purchasers or mortgagees, unless and until a memorandum or minute, containing the name and the usual or last known place of abode, and the title, trade, or profession, of the person whose estate is intended to be affected thereby, and also in the case of any such judgment the court and the title of the cause in which such judgment shall have been obtained, and the date of such judgment, and the amount of the debt, damages, and costs thereby recovered, and also in the case of a statute or recognizance the sum for which the same was acknowledged, and before whom the same was acknowledged, and the date of the same, and also in the case of an inquisition the sum thereby found to be due, and the date of the same, and also in the case of an obligation or specialty the sum in which the obligor shall be bound, or for which the obligation or specialty shall be made, and the date of the same, and also in the case of acceptance of office the name of the office, and the time of the officer accepting the same, shall be left with such officer acting under this Act as aforesaid, who shall forthwith enter the same particulars in a book, to be intituled "The Index to Debtors and Accountants " to the Crown," in alphabetical order, by the name of the person whose. estate is intended to be affected by such judgment, statute, or recognizance, inquisition, obligation, or specialty, or the acceptance of any office; and such officer shall be intitled for every such entry to the sum of two shillings and sixpence; and all persons shall be at liberty to search the said book, and also the other books which are to be handed over as aforesaid to the officer to be appointed under this Act, and also all the books which are to be kept under the provisions of this Act, or any or either of the said books, on payment of the sum of three shillings until the year one thousand eight hundred and sixty-three, and after that period for the charge of one shilling, and no more, whether some only or all of the said books shall be searched, and no multiplication of books is to increase the fee.

Fee for entry.

All persons
to be at
liberty to
search all
books handed
over or kept
under this
Act.
Fee for search.

other lands liable. her heirs or successors, to levy the whole of any debt or demand which may at any time be due from any such debtor or accountant to the crown out of or from any other lands, tenements, or hereditaments which would have been liable thereto in case no such certificate had been granted, and no such discharge had been obtained.

Searches to be made only at office established under this Act. XVII. : Provided always, that from and after the first day of November one thousand eight hundred and forty-five no search shall be made for any of the matters authorized to be registered under this Act, except at the office to be established under the provisions of this Act.

Duplicate books may be made out, if necessary. XXI. And be it enacted, that it shall be lawful for the lord chancellor, the chief justice, the master of the rolls, the chief justice of the Common Pleas, and the chief baron of the Exchequer in Ireland, or the majority of them, at any time hereafter, in case they shall deem it fit, to direct that duplicate copies shall for the purposes of this Act be made of the said books by this Act directed to be handed over to the officer appointed under this Act, or of the books directed to be by the said officer kept under the provisions of this Act, or of any of such books, and thereupon the said officer to be appointed under this Act shall have such duplicate copies forthwith made out, and shall for that purpose employ a fit and proper clerk or clerks, and shall pay the expences of making out such book or books out of the fees received or to be received under the provisions of this Act; and said officer shall be entitled to credit for such payments in passing his accounts under the provisions herein-after contained, after the same shall be directed by the judges aforesaid.

[XXII.4] AND whereas by the said Act passed in the third and fourth years of the reign of her present Majesty it was provided that the entries for the purpose of the registration of decrees, rules, and orders as therein mentioned should be made by an officer to be appointed as therein mentioned, and the registrations which may be made under this Act render it expedient to make further and other provisions upon this subject: Be it therefore enacted, that the officer constituted by the said last-mentioned Act shall cease to act from the first day of November one thousand eight hundred and fourty-four; and it shall be lawful for the lord chancellor, the lord chief justice, the master of the rolls, the lord chief justice of the Common Pleas, and the lord chief baron in Ireland, or the majority of them, and they are hereby required, forthwith, and from time to time when occasion shall require, to appoint an officer, to be called the "registrar of judgments," whose duty it shall be to attend daily in his office, and to superintend the business thereof, and to sign a certificate of all searches issuing from said office, and to receive and account for all fees payable under this Act, in manner herein-after directed; and it shall also be lawful for the lord chancellor, the lord chief justice, the master of the rolls, the lord chief justice of the Common Pleas, and the lord chief baron, or the majority of them, and they are hereby required, forthwith, and from time to time as occasion may require, to appoint two assistant clerks, whose duty it

A registrar of judgments to be appointed for purposes of this Act.

Duties of registrar.

Two assistant clerks to be appointed.

Their duties.

[[]a Section 22 is rep., so far as relates to the appointment and duty of assistant clerks, 34 & 35 Vict. c. 72, s. 1.]

Pleas, and the lord chief baron, or the majority of them, on complaint and inquiry as aforesaid, to inflict upon such registrar or clerk for any minor offence such punishment by way of fine as they or the majority of them shall deem expedient.

Duties to be performed by officers in person.

Deputy may in certain cases be appointed.

XXXII. And be it enacted, that from and after the commencement of this Act the registrar and clerks appointed under this Act shall respectively perform their duties in person, except only in case of absence under the sanction herein-after provided; (that is to say,) in case of illness or other necessary or proper cause of absence it shall be lawful for the said registrar or assistant clerks, or either or any of them, from time to time as occasion may require, to appoint a deputy, (such deputy, and also the occasion for such appointment, to be first approved of by the lord chancellor, upon a petition being verified,) for such time and under such regulations as the lord chancellor shall direct; and no such appointment of a deputy shall continue for any longer time than shall be allowed and specified in and by the order which shall be made on such petition; and that such deputy shall be paid, out of the salary of such registrar or clerk, such sum as shall be directed by the said order; and that at all times during the temporary absence of the said registrar under such permission as aforesaid the signature of his deputy shall be good and valid to any search or other document requiring the signature of such registrar.

Registrar and clerks not to practise as barristers, attorneys, &c.

Officers so doing shall be dismissed. XXXIII. And be it enacted, that every person who shall at any time after the passing of this Act be appointed to be registrar or clerk of or in the office established under this Act shall be and he is hereby declared to be incapable of practising as a barrister, or as an attorney or solicitor, or as agent or clerk of an attorney or solicitor, of any court of law or equity in Ireland, either separately or in partnership with any other, or in the name of any other person or persons, during such time as such person shall hold the situation, office, or employment of registrar or clerk in such office; and if the said registrar or clerks, or any of them, shall, contrary to the true intent and meaning of this Act, so practise as such barrister, attorney, solicitor, agent, or clerk, while he shall hold such situation, office, or employment under this Act, the lord chancellor shall, on sufficient proof of the same, dismiss the person so offending from his office or employment, and the person so dismissed shall be rendered incapable of ever after holding any office or employment in any of the said courts.

8 Geo. 1. (I.) c. 4. XXXIX. AND whereas by an Act passed in the eighth year of the reign of his Majesty King George the first, intituled "An Act for the more effectual "quieting and securing possessions, and preventing vexatious suits at law," it was amongst other things provided, that all actions and suits in law or in equity for recovery of any debt due by single bill, or bond under hand and seal, or by judgment, statute staple, statute merchant, or recognizance, should after the lapse of time therein mentioned be barred, unless upon certain proceedings being taken, or payments or satisfaction being made, as therein respectively mentioned: And whereas since the passing of the said Act certain other statutes have been passed for the limitations of actions upon judgments and other charges upon land, bonds, and other specialties and recognizances: And whereas doubts have been entertained whether the provisions of the said

commissionersinto circumstances of all turnpike trusts, their debts, &c.

condition, and circumstances of the several turnpike trusts lying or partly lying within each of the said counties respectively, and shall examine and ascertain the amount, nature, and value of all debts due or claimed to be due by or from any turnpike trust which shall have been contracted under the powers and in conformity with the provisions of any Act of Parliament relating to such trust, and shall inquire how much of such debts consists of unpaid interest, and for what period such interest shall be in arrear, and all such other particulars respecting the same, and respecting the administration of such trusts and the roads comprised in the same respectively, as the said commissioners shall deem necessary in order to the execution of the several powers and duties hereby vested in them [Rep., Stat. Law Rev. Act, 1874 (No. 2).];

Commissioners to ascertain and estimate all debts;

IX. And be it enacted, that so soon as the said examination and inquiry into the affairs and finances of any of the said trusts respectively shall have been made as aforesaid, and all such evidence as the said commissioners shall deem necessary shall have been heard and received touching the same, the said commissioners shall forthwith proceed to determine respecting the claims of the several persons being or claiming to be mortgagees or creditors of such trust, and shall estimate and determine the fair and actual value of every one hundred pounds of debt secured by mortgage or assignment of or other charges on the tolls of such trust, and also the value, if any, of every one hundred pounds of interest remaining due upon any such mortgage debts, excluding nevertheless all such interest as shall have been due and in arrear for more than six years previous to the first day of August in this present year, which said last-mentioned interest the said commissioners shall in all cases deduct and disallow; and as to any turnpike trusts wherein are comprised any roads or portions of roads locally situated in two or more counties, the said commissioners shall decide in what manner and according to what proportions the debts outstanding upon such trusts shall be apportioned and made chargeable upon each of such counties respectively, and the said commissioners shall thereupon make their award in writing under their hands and seals, and shall specify therein the names of all such persons as they shall have determined to be entitled to any monies, in respect of principal or interest, as mortgagees or creditors of such trust, together with the sums to which in the judgment of the said commissioners the said persons shall be respectively entitled, according to the value of their respective debts [Rep., Stat. Law Rev. Act, 1874 (No. 2).];

and to award the sums due, and names of persons to whom due.

Commissioners to report result of awards to secretary of state. XXI. And be it enacted, that the said commissioners, so soon as they shall have made the said examination and inquiry herein-before directed to be made into the condition, circumstances, and affairs of the several turnpike trusts in all or any of the said six counties, and so soon as they shall have estimated and ascertained the sums payable to the several creditors of the said trusts respectively, and shall have made or caused to be made the several awards concerning the same, shall make a full and particular report, under their hands and seal, to one of her Majesty's principal secretaries of state, and shall therein specify in detail the sums by them or by their authority awarded to be due and payable to the several creditors of each of the said trusts respectively, and also the total or aggregate sums which they shall have determined to be chargeable in respect of such debts to or upon each of the said counties respectively, and shall also make such further report or returns respecting any other matters and things thereto appertaining as the said commissioners shall deem necessary, or as one of her Majesty's said principal secretaries of state shall require [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Sums awarded to be paid by public works loan commissioners.

5 & 6 Viet. c. 9. XXII. And be it enacted, that when the said commissioners shall have made their report of the sums awarded to be paid to the said creditors in respect of their said debts and interest, and such report shall have been approved of by one of her Majesty's principal secretaries of state, then it shall be lawful for the commissioners for carrying into execution an Act passed in the second session of the fifth year of the reign of her present Majesty, intituled, "An Act to authorize the advance of money out of the "consolidated fund to a limited amount for carrying on public works and fisheries, "and employment of the poor; and to amend the Acts authorizing the issue of "Exchequer bills for the like purposes," (and which said commissioners are hereinfiered designated as the public works loan commissioners,) in manner after mentioned, to cause to be paid the several sums of money so fixed by such awards respectively to the parties entitled to receive the same under the said awards, together with interest

Commissioners for the reduction of the national debt to furnish annual account of fund for audit.

Amount paid by public works loan commissioners under this Act, in respect of each county, with interest, to be repaid by annuity for thirty years, charged on county roads fund, and rates in aid thereof, herein-after mentioned.

XXVIII. AND be it enacted, that the commissioners for the reduction of the national debt shall cause to be made up, for examination and audit, an annual account to the thirty-first day of December in each year of the receipts, payments, and balances on the said account so directed to be kept by them in respect of the said "South Wales Turnpike Trust Fund" as aforesaid, and shall deliver the same to the commissioners for auditing the public accounts.

XXIX. And be it enacted, that an account shall be made up on the twenty-fifth day of March and the twenty-ninth day of September in every year of the monies which shall have been paid by the said public works loan commissioners as aforesaid, together with interest thereon from the respective days of payment up to the said twenty-fifth day of March or the twenty-ninth day of September, as the case may be, distinguishing the same so as to show the amount paid to creditors on tolls within each of the aforesaid counties respectively, together with such interest as aforesaid; and thereupon the said commissioners for carrying this Act into execution, in consideration of the sums so respectively paid to the creditors on the tolls of each of the said counties respectively, together with such interest as aforesaid, shall charge the county roads fund herein-after mentioned, and the rates to be levied in aid thereof as after mentioned, with the payment to the said public works loan commissioners, on account of the South Wales Turnpike Trust Fund, of such an annuity as shall be equal to five pounds and five shillings for every sum of one hundred pounds so paid as aforesaid by the last-named commissioners, together with such interest as aforesaid, in respect of each separate county, and so in proportion for any fractional part of one hundred pounds paid, such annuity to be payable from the said twenty-fifth day of March or the twenty-ninth day of September up to which such account shall have been made, for the term of thirty years, and to be paid half-yearly, and without deduction, on the twenty-fifth day of March and the twenty-ninth day of September in every year, and the first payment to be made on such of the said half-yearly days of payment as shall next happen after such charge shall have been made, and so as the county roads fund aforesaid, and such rates in aid thereof as aforesaid, of each county, be charged with such an annuity as aforesaid in respect of the sums paid to the creditors on the tolls within that county, and such interest thereon as aforesaid, and no more. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

All local turnpike Acts to be repealed, and provisions of this Act for management of turnpikes to come into operation from a day to be declared by commissioners.

XXXIV. And be it enacted, that all local Acts of Parliament for making, repairing, or regulating any turnpike road or roads within any of the said counties respectively shall, so far as relates to the several turnpike roads locally situated within the said counties respectively, be repealed by virtue of this Act; and the repeal of every such local Act respectively shall date and take effect from and after such day as the said commissioners, by order under their hands and seal, and whereof notice shall twice be published in the London Gazette, shall appoint and declare with respect to such local Act or Acts as shall be specified in such order respectively; and the provisions of this Act herein-after contained for consolidating the several trusts in each of the said counties, and for altering and remodelling the management of the same, shall thenceforward come into full operation and effect: Provided always, that the repeal of the said Acts shall not have the effect of reviving any former Acts which have been repealed by those Acts or any of them, but such former Acts shall continue repealed in the same manner as if this Act had not been passed.

Justices in quarter sessions to elect members of county roads board. XXXV. And be it enacted, that the said commissioners shall, so soon as the said inquiry herein-before directed to be made into the debts and circumstances of the several turnpike trusts shall have been completed, cause a notice in writing to be addressed to the clerk of the peace of each of the said counties respectively, and her Majesty's justices of the peace acting in and for each of the said counties respectively shall, at their general quarter sessions of the peace to be held for such county next after the date of such notice, or, if the

General Turnpike Acts or any of them, to any trustees or commissioners acting in execution of any local Act for regulating any turnpike roads, shall, except so far as the same are varied, altered, or repealed by this Act, or are repugnant or contradictory thereto, apply to all persons who shall be members of any of the said county roads boards, and also, so far as the same shall be found applicable, to all members of any district boards to be constituted by virtue of this Act in manner herein-after provided.

Roads and property of trusts vested in county roads boards.

XLII. AND be it enacted, that all and every tumpike roads and road regulated by any local Act to be repealed in pursuance of this Act, and all turn. pikes, toll houses, gates, weighing machines, carts, watch-boxes, lamps, lamp posts, and other erections and buildings on the said roads which shall have been erected under the powers of the said local Acts or any of them, or of any former Acts for the making or repairing of the said roads respectively, or of the said General Turnpike Acts, shall from and after the repeal of the said local Acts respectively be and remain vested in the several county roads boards acting in and for the several counties wherein such roads respectively shall lie, in like manner and to the same extent as they are now respectively vested in the trustees acting in execution of such local Acts; and all the estate. right, title, and interest of the several trustees acting in execution of the said local Acts to be repealed in pursuance of this Act of and in all lands, houses, quarries, gravel pits, or other hereditaments whatsoever purchased for widening, improving, altering, or repairing the said roads or any of them, and of and in all estates devised or settled in trust for the repair of the said roads or any of them, or charged with any payments in respect thereof, shall from and after the repeal of the said local Acts respectively be and remain vested in the county roads boards of the several counties in which the said turnpike roads shall respectively lie: Provided always, that where any such turnpike road or roads shall lie, as to part thereof, in any two or more counties, such estate, right, title, and interest shall be divided and apportioned between them according to such rules and proportions, and on such principles of division, as the said commissioners shall determine.

Apportionment between two or more counties.

Materials to be the property of the county to which they shall be adjudged by commissioners to belong. Property how to be laid in indictments.

XLIII. And be it enacted, that all materials, and all tools or implements, purchased or provided for the repair of any turnpike road or roads regulated by any local Act to be repealed in pursuance of this Act, and which at the time of the repeal of the said Acts respectively shall belong to the trustees acting in the execution thereof, shall from thenceforth belong to and be the property of the county roads board or boards of the county or counties which the said commissioners shall, by their order, determine to be entitled to the same, or shall be divided between any two or more such boards in such proportion as the said commissioners shall determine; and [Rep., Stat. Law Rev. Act, 1874 (No. 2). I in any action, suit, or other proceeding brought or instituted by or on behalf of any county roads board for or in respect of or in anywise relating to the said roads, materials, or other estate or effects, or any other property, real or personal, which shall hereafter belong to any county roads board, or in any bill of indictment preferred by or by the direction of any county roads board against any person or persons who shall dig up, break or pull down, take or carry away, spoil, injure, or destroy, any of the said roads, lands, materials, or other estate and effects or other property as aforesaid, it shall be sufficient to state generally such roads, lands, materials, or other estate, effects, or property to be the property of such county roads board, and it shall not be necessary to specify the names of any member or members of the same,

move or take away toll gates. proper, to cause any of the toll gates, toll bars, or toll houses, or other erections or buildings appertaining thereto, already erected or to be hereafter erected in, upon, across, or on the side of any of the said turnpike roads, to be removed to and erected in, upon, across, or on the side of such other parts of the said turnpike roads or any of them, or otherwise wholly to be removed or taken away, as the said county roads board shall respectively from time to time order and direct.

Rates of toll to be taken under this Act.

L. And be it enacted, that from and after the repeal of the said local Acts respectively it shall be lawful for the county roads board of any of the said counties respectively, or their respective lessees, collectors, or agents, and they are hereby authorized, to demand, receive, and take, on or at the side of the said several turnpike roads in their respective counties, before the horse or other animal, carriage or other vehicle, in respect of which any toll shall be payable shall be allowed to pass through any gate or bar erected or to be erected upon, across, or on the side of the said roads, the several tolls specified in the second schedule hereto annexed, subject to the restrictions and exemptions in this Act mentioned, and also to the restrictions, exemptions, and provisions in the said General Turnpike Acts mentioned, except so far as the same are varied, altered, or repealed by this Act: Provided always, that the same rate or rates of toll for every horse or other animal not drawing, and for every horse or other animal drawing any carriage or vehicle of the same class or description, according to the said second schedule, shall, subject as herein-after is mentioned, be respectively taken and received at every gate and bar within the same county.

Equal rates to be taken at all gates in same county.

Difference of rates according to breadth of wheels abolished.

LI. AND be it enacted, that from and after the repeal of the said local Acts respectively no higher or different rate of toll shall in any case be taken or demanded upon any turnpike roads within any of the said counties respectively by reason of any regulation or distinction relating to the breadth, size, form, or construction of the wheels of any carriage, cart, or other vehicle used or employed upon such roads, but one and the same uniform rate of toll, according to the second schedule hereunto annexed, and subject to the provisions and exemptions of this Act, shall in all cases be taken in respect of each several description of carriage or vehicle in the said second schedule mentioned, without reference to the dimensions or construction of the wheels thereof, any thing contained in the said General Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to repeal, vary, alter, or affect any regulations in the said General Turnpike Acts or any of them contained with respect to any additional tolls or penalties thereby imposed or made chargeable on any carriage, cart, or other vehicle by reason of or in proportion to the weights carried or conveyed in any such carriage, cart, or other vehicle respectively.

What tolls to be cleared by payment of one toll. LII. AND be it enacted, that from and after the repeal of the said local Acts respectively when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle, at any toll gate or bar within any of the said counties, not toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day, (to be computed from twelve of the clock of the night to twelve of the clock in the next succeeding night,) for repassing through the same gate or bar, or for

by, the owner of any such agricultural produce, and which shall not have been bought, sold, or otherwise profitably exchanged or disposed of, nor be going to be bought, sold, or otherwise profitably exchanged or disposed of, or for any sheep going to be washed or returning therefrom, or for any horse or other animal drawing or not drawing which shall not go or pass more than three hundred yards along or upon such turnpike road, whether the whole or any part of such three hundred yards shall have been traversed before passing through any gate or bar, or shall be traversed after passing through the same.

LVIII. And be it enacted, that none of the said exemptions from tell in

the said General Turnpike Acts or in this Act contained shall be in anywise

qualified, restrained, or taken away by reason of any regulation or distinction

Exemptions not to be defeated on account of regulations as to breadth of wheels, or as to weight.

with respect to the size, form, construction, or dimensions of the wheels of any carriage, cart, or other vehicle used or employed upon any turnpike roads within the limits of this Act; or by reason of any regulations as to weight contained in the said General Turnpike Acts or any of them.

LIX. And be it enacted that from and after the repeal of the said local

Lime to be used as manure to be charged half toll. LIX. And be it enacted, that from and after the repeal of the said local Acts respectively it shall not be lawful to demand or take on any turnpike road within any of the said counties respectively, for or in respect of any horse or other animal employed in carrying, drawing, or conveying any lime to be used for the purposes of manure, more than one half of the tolls which would be otherwise payable in respect of such horse or other beast drawing any such carriage or vehicle, according to the said second schedule to this Act annexed.

Toll not to be taken or money laid out on repair of roads within limits of towns,

LX. And be it enacted, that from and after the repeal of the said local Acts respectively no toll shall be taken, and no money arising from tolls on any turnpike roads shall be laid out, on any road or roads, or part of any road or roads, which by or under any local Act of Parliament in force for the time being for the improvement of any city, borough, or town, or any part or parts thereof, is or are repaired or maintained by any commissioners or trustees for executing such local Act, nor in paving, repairing, or cleansing any street, road, or highway within the limits of any city or market or borough town for which there shall not be any such local Act as aforesaid, and which said limits shall be fixed and determined for the purposes of this Act, with respect to every such city or market or borough town respectively, by the said commissioners upon the report and recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong; and no street, road, or highway comprised within such limits, or maintained by any such local commissioners as aforesaid, shall be deemed or held to be a turnpike road to any intent or purpose within the meaning of this Act.

Toll tables to be affixed at all gates. LXI. And be it enacted, that the county roads board of each of the said counties respectively shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every toll gate and toll bar within such county, a table, painted in distinct and legible black letters on a board with a white ground, or in white letters on a board with a black ground, containing at the top thereof the name of the gate or bar at which the same shall be put up, and also a list of all the tolls payable at such gate or bar under the authority of this Act; and such table shall specify the several sorts or

Power of adjournment.

Majority of members present may act.

Five to be the quorum.

Three to be quorum when tolls are to be let.

Extraordinary meetings.

Tolls may be let at any meeting without putting them up at the sum before realised.

referred to, at some convenient place or places within each of the said counties respectively, and may adjourn themselves to meet at any other place or places within such counties respectively, and at such time or times, as the said county roads boards, or the major part of the members thereof present at any meeting respectively, shall appoint; and all acts, orders, proceedings, matters, and things by this Act authorized or directed to be done by the said county roads boards, or by the said General Turnpike Acts authorized or directed to be done by any trustees or commissioners of turnpike roads, shall and may, except so far as the same are altered, varied, or repealed by this Act, be made, done, and exercised by the major part of the members of the said county roads boards who shall be present at the respective meetings to be held by virtue of this Act, or of the said General Turnpike Acts, the whole number present together at any such meeting of any county roads board not being less than five: Provided always, that at any meeting of any county roads board which shall be held for the purpose of letting to farm the tolls of any district or districts of any county such tolls may be lawfully let, and all acts and proceedings relating to such letting of tolls at such meeting shall be valid and effectual, although not more than three members of such county roads board shall be present at such meeting; and the time and manner of holding and convening and also of giving notice of any special or extraordinary meeting of such board which it may be thought necessary to hold upon any emergency shall be regulated as nearly as may be according to the provisions and regulations of the said General Turnpike Acts with respect to the like meetings of trustees or commissioners of any turnpike roads.

LXIV. AND be it enacted, that whenever any tolls shall hereafter be let to farm by virtue of the powers given by this or by any other Act or Acts of Parliament, it shall not be necessary, in the notice to be given according to the provisions of the said General Turnpike Acts previously to such letting, to specify the sum which the said tolls shall have produced during any time previous to such letting, nor to state that the said tolls will be put up at the sum which they were let for or produced during any such previous time; and the county roads board acting in and for each county may and they are hereby authorized to let such tolls at every general meeting to be held in pursuance of this Act for the best price they may then be enabled to obtain for the same, without being compelled to put up the said tolls at the sum for which they were at any previous time let, or to have any second or other meeting for letting the same, any law or custom to the contrary notwithstanding.

Annual general meeting of each county roads board for auditing accounts.

LXVII. And be it enacted, that the several county roads boards of and for each of the said counties respectively shall and they are hereby required to hold one general meeting in every year in each of the said counties, for auditing and examining the accounts relating to the several roads under their management, on some day or days to be appointed for the same by each county roads board respectively at their first meeting to be held after the passing of this Act, or at some subsequent regular meeting of the said board, and which said annual general meeting shall always take place in each of the said counties respectively in the months of January or February in each year; and the times of holding such annual general meetings in the said counties respectively shall be so fixed and arranged with reference one to another as to

Meetings to be fixed so as to allow examine accounts at annual meetings;

prepare statements and estimates :

transmit statements and estimates to secretary of state, to be laid before Parliament:

prepare
estimates of
improvements,
and report as
required.

Books to be kept by county boards:

books to be evidence;

and to be open to inspection of members and ratepayers.

Penalty for refusing inspection.

inspect and examine all the accounts, books, and other documents of or relating to the same, and shall attend the said annual general meetings of the said county roads boards in each of the said counties respectively, and shall examine, audit, and check, and ascertain the legality of, all accounts, bills. charges, and vouchers which shall be presented to or laid before such county roads boards at such annual general meetings, and shall also prepare and submit to them, at such meetings, a general statement of the debts, revenue, and expenditure incurred or received in and for the year preceding on account of the several turnpike roads within each of the said counties respectively; and shall also prepare and submit to the said county roads boards respectively, at such meetings, an estimate of the revenue and expenditure on account of the said roads to be received or incurred in and for the ensuing year, specifying in such statements and estimates the amount and proportion of revenue and expenditure received or incurred or to be received or incurred in respect of the several districts to be constituted by virtue of this Act in each of the said counties respectively, according to the provisions herein-after contained, and shall sign such statements and estimates respectively; and so soon as the said statements and estimates shall have been submitted to and examined by such county roads boards shall transmit the same or copies thereof to one of her Majesty's principal secretaries of state, to be by him laid before both Houses of Parliament, according to the provisions of the said General Turnpike Acts, and shall also cause the same to be published in one or more of the newspapers circulating in the county; and shall also from time to time, and whenever he shall be required by any county roads board so to do, prepare and submit to such county roads board an estimate or estimates of the probable expense to be incurred in respect of any proposed improvement, alteration, or work relating to the roads under the management of such board, and shall make such further reports from time to time to the said county roads board, or to the said secretary of state, respecting the management and administration of any roads hereby placed under his charge or control, as he shall be required by them or any of them to do.

LXXI. And be it enacted, that every county roads board shall cause a book to be kept by their clerk, in which such clerk shall enter or cause to be entered true and regular accounts of all sums of money received and expended for the purposes of this Act, and of the several matters for which such sums of money shall have been received or expended; and the said board shall cause notes, minutes, or copies, as the case may require, of all the orders and proceedings of such board at the several meetings thereof to be duly entered in books to be from time to time provided for that purpose, and such books shall be evidence in all proceedings at law or in equity, without further proof of the contents thereof, and shall at all seasonable times be open to the inspection of all members of such boards and of all district boards within the same county, and of every person paying any rate by this Act authorized to be made, without any fee being demanded for such inspection; and all such members and persons respectively shall be entitled, at seasonable times, to take copies or extracts from the said books, without paying any fee for the same; and if, on request made for that purpose, the clerk of any county roads board shall refuse to permit any of such members or persons respectively to inspect full and particular report in writing to the commissioners for carrying this Act into execution respecting the several matters herein-before directed to be examined and considered by them, together with such other recommendations and suggestions as may be necessary for any other purposes of this Act, or as they may deem essential to the due execution thereof. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Commissioners to make orders respecting roads to be maintained as turnpike roads. or discontinued, and as districts.

LXXVII. And be it enacted, that the said commissioners shall, upon due consideration of such reports and recommendations respectively, make such determination respecting the premises as to them shall seem meet, and shall, by their orders to be made under their hands and seal, direct, with respect to each of the said counties respectively, what portions of the said roads regulated to formation of by or comprised in any local Act as aforesaid shall thereafter continue to be maintained as turnpike roads, and also what portion thereof (if any) shall be wholly rejected and discontinued as turnpike roads; and the said commissioners shall also, by their said order, direct such and so many districts as in their judgment shall be necessary to be formed and constituted in each of the said counties respectively in which they shall deem the formation of such districts to be expedient for the separate management and repair of the several turnpike roads within the said districts, according to the regulations herein-after contained: Provided always, that in case in any of the said counties the said commissioners shall not deem it expedient to constitute any such division of districts as aforesaid, then the management and repair of all the turnpike roads within such county, and all powers and things necessary thereto, shall belong and shall be carried on, done, and executed by or under the direction of the county roads board of such county.

Plans of county roads and districts to be made by authority of commissioners.

LXXVIII. And be it enacted, that the said commissioners, in pursuance of their said orders as aforesaid, shall cause a map or plan to be made for each of the said counties, wherein shall be distinctly set out and delineated the several roads thereafter to be maintained in and for such county as turnpike roads, as well as the several districts into which such county shall be divided, and to which the said turnpike roads shall thenceforth respectively be annexed and belong; and the said map or plan, or a copy thereof, stamped with the seal of the said commissioners, shall be deposited with the clerk of every county roads board respectively, and shall be received as evidence, and shall be referred to, in all suits, controversies, and disputes touching the limits, boundaries, situation, or classification of any such roads or districts respectively: Provided always, that the said map or plan may be altered or amended by authority of one of her Majesty's principal secretaries of state, if it should become necessary so to do, through the operation of any of the provisions herein-after contained.

Plans may be amended.

Roads discontinued as turnpike roads to become highways.

LXXIX. AND be it enacted, that all such roads or portions of roads within any of the said counties respectively as the said commissioners by their order as aforesaid shall direct to be discontinued as turnpike roads shall thenceforth cease to be repaired or maintained as such, and no tolls shall be collected thereon, and all toll gates or toll bars now standing thereon shall be removed, and the said roads shall thenceforth be repaired and maintained according to the laws for the time being in force relating to highways, or by the parties otherwise liable by law to repair the same.

County roads boards to make special reports in certain cases

LXXX. And be it enacted, that it shall be lawful for the said county roads boards respectively, at any of their regular meetings to be held under the authority of this Act, with the aid and advice of the said general superinshall reside within such district, and who in his own right or in right of his wife shall be the owner or occupier, or shall be in the actual possession of the rents or profits, of any lands, tenements, or hereditaments, whether freehold or copyhold, within the county wherein such district is situated, which shall be rated or rateable to the relief of the poor in the parishes or places in which the same shall lie at not less than eighty pounds per annum, shall be duly qualified to be and be capable of being appointed a member of such board; and whenever any of the said persons who shall have been so nominated and appointed by the said commissioners as aforesaid shall die or resign, or shall absent himself for twelve months from the meetings of the said board, or shall cease to be qualified in respect of residence and estate or interest as aforesaid, then the other members of such board shall elect other fit and proper persons, qualified as herein-before described, to be members of such board in their stead; and whenever any of such last-mentioned persons shall die or resign, or be absent as aforesaid, or shall cease to be qualified as aforesaid, the vacancy or vacancies thereby occasioned shall be from time to time supplied by election in like manner; and all her Majesty's justices of the peace residing within or acting at any petty sessions within any such district shall be ex-officio members of such district roads board.

If any county is not divided into districts, additional members of county roads board shall be appointed.

Manner of choosing additional members.

LXXXIII. And be it enacted, that in case in any of the said counties the said commissioners shall not deem it expedient to constitute any such division of districts for the purpose of district management as aforesaid, then the said commissioners shall, by their order as aforesaid, nominate and appoint certain persons, not less than six nor more than twelve in number, to be additional members of the county roads board of such county, who shall be chosen in manner following; that is to say, an equal number of such persons shall be chosen in respect of each hundred of such county, and shall be persons resident within such hundred respectively, and qualified in respect of property in such county in like manner as is herein-before provided with respect to the qualification of members of district boards; and whenever any of the persons who shall have been so nominated by the said commissioners as aforesaid shall die or resign, or shall cease to be qualified in respect of residence and estate or interest as aforesaid, then the said county roads board shall elect other fit and proper persons, resident and qualified as herein-before described, in their stead, and all other vacancies which shall thereafter occur shall be from time to time supplied by election in like manner; provided that among. the persons so from time to time constituted as additional members of such county road boards there shall always be two persons at least, resident and qualified as aforesaid, for and in respect of each hundred of such county.

Persons hereafter chosen
as members
of district
boards, or
additional
members of
county roads
boards, shall
cease to be
members by
rotation, and
their vacancies
shall be filled
up.

LXXXIV. AND be it enacted, that the persons who shall hereafter be appointed as members of district boards, or as additional members of county roads boards in counties having no district boards, shall after certain periods cease to be members of the same respectively by rotation, and the vacancies thereby occasioned shall in either case be supplied from time to time in manner following; that is to say, of the persons who shall have been originally nominated by the said commissioners as members thereof respectively three persons (who shall be selected by ballot) shall at the expiration of three years from the time of such nomination cease to be such members, and at the expiration of four years from the said time a like number of such persons (to

orders for the removal of any such clerk, and whenever any such clerk shall be removed, or shall die or resign, or refuse to act, may at any subsequent meeting appoint some other fit and proper person in his stead.

Powers and duties of district boards.

LXXXVII. And be it enacted, that the district roads board for each district respectively shall have power to direct and superintend all matters and things relating to the maintaining, repairing, and draining of the several turnpike roads within such district, and also the maintaining and repairing the turnpike gates, toll bars, and toll houses belonging to the same, and also the execution of any work or improvement which shall respectively have been placed under the direction and superintendence of such district roads board by the county roads board acting in and for the same county, and to direct and superintend the expenditure of all monies, and the use and application of all materials and things, which shall be appropriated to such district by the order of the said county roads board; and the acts, orders, regulations, and proceedings of such district roads boards, as to all the matters and things aforesaid, shall be binding and effectual; and such districts roads boards shall cause accounts to be kept of the expenditure and application of such monies and materials as aforesaid, and of all debts incurred by them, and of the balance of money and materials remaining at their disposal, and the clerk of any district roads board shall, as often as he shall be required so to do, deliver or transmit such accounts to the said general superintendent of county roads, to be by him submitted to the county roads board of such county.

Money and materials to be placed at the disposal of district boards.

LXXXVIII. And be it enacted, that it shall be lawful for the county roads board of each county, by their order, to assign and place to the credit or at the disposal of the several district roads boards in each county respectively such sum or sums of money out of the county toll fund herein-after mentioned; and such quantity of materials or other necessary things purchased out of the said county toll fund, as the said general superintendent, by his estimate, to be laid before the said county roads board at their annual general meeting as herein-before provided, shall certify to be necessary and sufficient for the ordinary maintenance and repairs of the several turnpike roads within such districts respectively; and it shall also be lawful for the said county roads board, by their order as aforesaid, to place under the control and superintendence of the said district roads boards respectively, subject to the restrictions and limitations herein-before made and provided, any works or improvements to be done or executed in or upon any of the roads within such districts respectively; and, for the purpose of enabling them to carry on and execute such works and improvements, to place to their credit or at their disposal such monies, materials, and other things as aforesaid, as the said general superintendent, by his estimate, shall certify to be necessary and sufficient for the performance thereof.

First and other meetings of district boards.

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LXXXIX. And be it enacted, that the several district roads boards to be appointed and constituted in manner aforesaid shall meet first at such time and place as the said commissioners shall, by their order, appoint for them respectively, and shall from time to time hold other meetings not less in number than six in each year, for executing the several powers and duties hereby vested in them, at such times, and at such convenient place or places within their respective districts, as the said commissioners, upon the report and recommendation of the county roads board acting in and, for the county

together with all exceptions, restrictions, penalties, and clauses thereto relating, be applicable, except so far as the same may be varied, altered, or repealed by this Act, to all members of county roads boards and district roads boards respectively appointed under or acting in execution of this Act.

Members of county and district boards may act as iustices.

Application | of tolls.

County roads fund.

Application thereof.

If county roads fund prove insufficient for the purposes required, county roads board shall certify the amount required to

quarter

sessions.

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XCIII. Provided always, and be it enacted, that no person shall be incapable of acting as a justice of the peace in any matter relating to the execution of this Act by reason of his being a member of any county roads board, or of any district roads board.

XCIV. And be it enacted, that from and after the repeal of the said local Acts respectively the tolls to be collected on the several turnpike roads in each and every of the said counties by virtue of this Act shall be respectively accounted for and paid to the treasurer of the county roads board, and shall form in each county one common fund, to be called the "County Roads Fund," and the said county roads fund shall be administered and applied, subject to the provisions and restrictions herein-before contained, by the said county roads board, and shall be applicable in the first place to the payment of such annuity as shall be charged upon such county roads fund, and such rates as aforesaid, according to the provisions herein-before contained; and the treasurer of every county roads board respectively is hereby directed and required, from and out of the first monies which shall come to his hands, to pay such annuity so charged as aforesaid when and as the same shall become due according to this Act; and, subject to such payment, the said county roads fund shall be applicable to the repair, maintenance, management, and improvement of the several turnpike roads within such county, and to the salaries of the officers of the several county and district boards respectively, and to such other just and necessary expences as may be incurred in and about the management of the said turnpike roads, and in execution of the powers and provisions of this Act.

XCV. And be it enacted, that in case it shall appear to any county roads board acting in and for any of the said counties respectively, at the annual general meeting of such board to be held under this Act, upon comparing the estimated receipts and expenditure of and for such county in respect of turnpike roads for the year next ensuing which shall be made out and submitted to such board by the said general superintendent as aforesaid, that the said county roads fund will in the year next ensuing be insufficient for the several purposes to which the same is by this Act made applicable, such county roads board shall thereupon proceed to determine what amount of money will be necessary and sufficient, in addition to such county roads fund, to meet and supply the several purposes aforesaid; and the said county roads board shall then certify the sum of money necessary as aforesaid by a certificate in writing, to be signed by the chairman of the said board at their said meeting, and which shall be forthwith transmitted by the clerk of such board to the clerk of the peace or deputy clerk of the peace for such county; and the said clerk of the peace, or his deputy, shall produce the said certificate to the justices of the peace for such county at their general quarter sessions assembled which shall be held next after he shall have received the same: .

XCVI. AND be it enacted, that the justices of such county in such general quarter sessions assembled shall, for the purpose of raising the monies specified in such certificate, make a fair and equal rate, to be called the "County Road

Justices in onarter sessions to make a county road Power to inspect rates and returns relating to liberties, &c.

C. And be it enacted, that the treasurer of any of the said counties, or any person having an order for that purpose under the hand of such treasurer, may inspect any liberty rate, or rate in the nature of a county rate, made or to be made for any liberty or franchise locally situate within such county, and may also inspect any returns relating to any of the parishes or places the inhabitants of which shall be liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to county rates, and may take copies or extracts of or from any such rates or returns, without payment of any fee or reward; and if any person having the custody of any such rate or return shall wilfully neglect or refuse to permit any such treasurer or other person authorized as aforesaid to inspect the same, or to take copies of or extracts from the same, for two days after such order shall have been produced and shown to him, or a copy thereof left at his usual place of abode, he shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such offence such sum, not exceeding ten pounds, as they shall think meet.

Occupier
paying road
rate may
deduct it from
rent paid to
his laudlord.

CI. And whereas it is expedient that the charge to be created in respect of such county road rate should be imposed upon the owners and proprietors of land within the said counties respectively: Be it therefore enacted, that any person who shall occupy any lands or tenements in any of the said counties, or in any liberty or franchise locally situated therein, having any interest not amounting to a freehold interest in the same, and not being tenant thereof for any term exceeding thirty years certain from the commencement of such term, who shall be called upon to pay any monies in respect of such rate, shall be entitled to demand a receipt in writing for the same, and upon producing such receipt shall be entitled to deduct from the rent next payable to the landlord or person under whom he holds or occupies such lands or tenements so much as he shall have paid on account of such rate during the same period in respect of which such rent shall be due and payable, and such landlord or other person shall allow such deduction upon receipt of the residue of the said rent; and such occupier, lessee, or tenant shall be acquitted and discharged of so much money as he shall have paid in respect of such rate, in the same manner as if the same had been actually paid to such landlord or other person.

Road rate to be paid over by county treasurer to tressurer of county roads board, and applied as part of county roads fund.

County roads board may make orders on parishes to carry or draw materials for turnpike roads. CII. And be it enacted, that the treasurer of any county in which such rate shall have been levied as aforesaid shall, so soon as the same shall have been collected, pay over all monies received in respect of the same to the treasurer of the county roads board acting in and for such county, and such monies when so paid over shall form a part of the county roads fund for such county, and shall be applicable as such to the several purposes to which the said county roads fund is herein-before directed to be applied.

CIII. And be it enacted, that it shall be lawful for any county roads board, at any regular meeting held under this Act, if in their judgment, with reference to the state of the county roads fund, and the state and condition of the roads in their county, or otherwise, it shall be necessary or expedient so to do, to determine what proportion, if any, of the carriage or haulage of materials

for seven days after he shall have received notice of the same, shall for every such offence forfeit and pay a sum not exceeding forty shillings.

CVI. AND whereas a certain public bridge called the Llandilo Rhynws Bridge has been erected over the river Towey in the county of Caermarthen. and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act as aforesaid: And whereas a certain other bridge over the same river called the Towey Suspension Bridge, and in the same county, has been erected and maintained under the provisions of a certain other local Act to be in like manner repealed: Be it enacted, that all debts due to any mortgagees or creditors in respect of the said bridges or either of them, or secured upon the tolls thereof respectively, shall be dealt with, estimated, and redeemed by the said commissioners in manner herein-before directed with respect to the debts of all turnpike trusts in the said county, but that from and after the repeal of the said last-mentioned local Acts respectively the same shall become to all intents and purposes county bridges, and shall be repaired and maintained by and at the charge of the said county of Caermarthen, in like manner as any county bridges ought now by law to be maintained and repaired.

Llandilo
Rhynws
Bridge and
Towey Suspension Bridge
to become
county bridges.

CVII. AND whereas a certain public bridge called "The Wych Tree Bridge" in the said county of Glamorgan has been erected and maintained under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act: Be it enacted, that all debts due to any mortgagees or creditors in respect of the said bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed by the said commissioners in manner aforesaid, but that from and after the repeal of the said last-mentioned local Act the said last-mentioned bridge shall become to all intents and purposes a county bridge, and shall be repaired and maintained by and at the charge of the said county of Glamorgan, in like manner as any county bridges ought now by law to be repaired and maintained.

Wych Tree Bridge to become a county bridge.

> CIX. And whereas a certain public bridge called the Loughor Bridge has been erected over a certain river or estuary called the Loughor river, which divides the said county of Caermarthen from the said county of Glamorgan, and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act: And whereas the said last-mentioned bridge is useful and beneficial to both of the said lastmentioned counties respectively: Be it therefore enacted, that all debts due to any mortgagees or creditors in respect of the said last-mentioned bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed as aforesaid by the said commissioners; and when the total amount or value of the said debts shall have been by them fixed and determined a sum equal to one fourth part thereof shall be charged by the said commissioners, according to the provisions of this Act, upon the said county of Glamorgan, and the residue thereof shall be charged in like manner upon the said county of Carmarthen; and after the said local Act regulating the said last-mentioned bridge shall have been repealed as aforesaid the said bridge, so soon as it shall have been certified under the hand of the general superintendent of county roads to be appointed under this Act to be in good and sufficient repair, which repair, if required, shall be done at the cost and charge of the said county of

Loughor
Bridge to be
maintained
as a county
bridge between the
counties of
Glamorgan and
Caermarthen
jointly.

part of the said repairs or of the expence thereof shall be thereafter required to be done or contributed by any person or persons, or by the inhabitants of any parish or place, heretofore liable or accustomed to repair the same.

Act not to apply to Hay Bridge, nor to Haverfordwest or Boughrood Bridges. CXI. And be it enacted, that nothing in this Act contained shall extend or apply to a certain bridge erected over and across the river Wye called thee Hay Bridge, and which is situated on or between the confines of the said county of Radnor and of the said county of Brecknock, nor to a certain other bridge lately erected over and across the river Dungleddau at or in the town and county of Haverfordwest, nor to a certain other bridge erected over and across the said river Wye called the Boughrood Bridge, and which is situated on or between the confines of the said county of Brecknock and of the said county of Radnor, nor to any local Act or Acts of Parliament for making, erecting, maintaining, or regulating the said last-mentioned bridges respectively, any thing herein-before contained to the contrary thereof in any wish notwithstanding.

10 Geo. 4. c. iv.

Prevision as to portion of road in Rhayader and Llangerrig trust.

4 & 5 Will. 4. c. xxxi.

No tolls to be taken.

Recovery and application of penalties.

Interpretation of Act.

CXII. And whereas a certain portion of road heretofore made and maintained under a certain local Act of Parliament passed in the fourth year of the reign of King George the Fourth, intituled "An Act for making and main-" taining a road from Rhayader in the county of Radnor to Llaugerrig in the "county of Montgomery," is locally situated in the said last-mentioned county of Montgomery: Be it enacted, that from and after the repeal of the said last-mentioned local Act the said last-mentioned portion of road shall, for the purpose of this Act, and for the purpose of maintaining the same, be annexed to and become part of the next adjoining district of rouds of and belonging to the said county of Montgomery; and all the powers, clauses, and provisions of an Act passed in the session held in the fourth and fifth years of the reign of King William the Fourth, intituled "An Act for improving and " maintaining certain roads in the counties of Montgomery, Merioneth, Salon, " and Denbigh," shall apply to and include such last-mentioned portion of road, in like manner as if the same had been expressly mentioned and comprised in the said Act: Provided always, that it shall not be lawful for the trustees or other persons acting in execution of the said last-recited Act to erect or maintain any toll gate or toll bar, or to collect or cause to be collected any toll, upon, across, or at the side of the said portion of road, any thing in the said last-recited Act to the contrary notwithstanding.

CXIII. And be it enacted, that all fines and penalties imposed by this Act shall be recovered and applied in the same manner as fines and penalties imposed by the said General Turnpike Acts or any of them; and the several clauses and provisions in the said last mentioned Acts contained respecting the recovery and application of penalties shall be applicable for the purposes of this Act as if the same were expressly re-enacted herein.

CXIV. AND be it enacted, that in construing this Act the following words and expressions shall have the several meanings herein-after assigned to them, unless there be something in the subject or context repugnant to such constructions; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. The word "person" shall include corporation, whether sole or aggregate: Words importing the masculine gender shall include females:

An Act passed in the fourth year of the reign of King George the Fourth, intituled "An Act to explain and amend an Act passed in the third year of "the reign of his present Majesty, to amend the general laws now in being "for regulating turnpike roads in that part of Great Britain called England."

An Act passed in the session held in the seventh and eighth years of the reign of King George the Fourth, intituled "An Act to amend the Acts for "regulating turnpike roads in England."

An Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to amend the Acts for regulating turnpike roads."

An Act passed in the session held in the first and second years of the reign of King William the Fourth, intituled "An Act to amend the Acts for regulating turnpike roads in England, so far as they relate to certain exemptions "from toll."

An Act passed in the session held in the second and third years of the reign of King William the Fourth, intituled "An Act to explain certain provisions " in local Acts of Parliament relating to double tell on turnpike roads."

An Act passed in the session held in the third and fourth years of King William the Fourth, intituled "An Act requiring the annual statements of "trustees or commissioners of turnpike roads to be transmitted to the "secretary of state, and afterwards laid before Parliament."

An Act passed in the session held in the fourth and fifth years of the reign of King William the Fourth, intituled "An Act to amend an Act of the third "year of King George the Fourth, for regulating turnpike roads in England, "so far as the same relates to the weights to be carried upon waggons with "springs."

SECOND SCHEDULE.

RATE of Toll to be taken in the Counties to which this Act refers.

For every horse or other beast drawing any coach, chariot, berlin, landau, landaulet, barouche, chaise, phaeton, vis-a-vis, calash, curricle, car, chair, gig, hearse, caravan, litter, or any such like	£	8.	ď
carriage	0	0	6
For every horse or other beast, except asses, drawing any waggon,			
wain, cart, or other such like carriage	0	0	4
For every ass drawing any cart, carriage, or other vehicle	0	0	2
For every horse or mule, laden or unladen, and not drawing	0	0	11
For every ass, laden or unladen, and not drawing	0	0	01
For every drove of oxen, cows, or neat cattle, the sum of ten-pence per score, and so in proportion for any greater or less number.			
For every drove of calves, hogs, sheep, or lambs, the sum of five- pence per score, and so in proportion for any greater or less number.			
For every carriage drawn or impelled by steam, or other power other than animal power, having two wheels And for every such last-mentioned carriage having more than two	0	1	0
wheels	0	2	0

Districts to be assigned to coroners.

Coroner to reside in or near his district.

Provision for continuance of existing districts.

Compensation to coroner on alteration of district.

List to be made of places in each district, specifying place for court for election of coroner, and polling places.

Detached parts to form parts of counties by which they are surrounded, or of counties with which they have the longest common boundaries. Election of coroner for any district to be held in the district. Coroner to be chosen by majority of qualified electors resident in district.

V. AND be it enacted, that the justices in general or quarter session assembled shall assign one of such districts to each of the persons holding the office of coroner in such county, and upon the death, resignation, or removal of any such person each of his successors, and also every other person thereafter elected into the office of coroner in such county, shall be elected to and shall exercise the office of coroner, according to the provisions of this Act, and shall reside within the district in and for which he shall be so elected, or in some place wholly or partly surrounded by such district, or not more than two miles beyond the outer boundary of such district.

VI. AND be it enacted, that whenever it shall appear to her Majesty, with the advice aforesaid, and shall be set forth in the said order in council, that any such county has been customarily divided into districts for the purpose of holding inquests during the space of seven years before the passing of this Act, and it shall seem expedient to her Majesty, with the advice aforesaid, that the same division of the county be made under this Act, each of such districts shall be assigned to the coroner usually acting in and for the same district before the passing of this Act; but if it shall appear expedient to her Majesty, with the advice aforesaid, that a different division of such county be made, and any such coroner shall present a petition to her Majesty, praying for compensation to him for the loss of his emoluments arising out of such change, it shall be lawful for her Majesty, with the advice aforesaid, to order the lord high treasurer or commissioners of her Majesty's Treasury to assess the amount of compensation which it shall appear to him or them ought to be awarded to such coroner, and the amount of such compensation shall be paid by the treasurer of the county to such coroner, his executors or administrators, out of the county rate.

VII. AND be it enacted, that such justices so assembled as aforesaid shall order a list to be prepared by the clerk of the peace for their respective counties of the several parishes, townships, or hundreds, as the case may be, in each and every of the several districts into which the respective counties shall be divided under the authority of this Act, specifying in such list the place within each district at which the court for the election of coroner is to be holden, and also the place or places at which the poll shall be taken, inserting the parishes, townships, and places for each of such polling places, and shall cause such order to be enrolled among the records of the county.

VIII. AND be it enacted, that all isolated or detached parts of counties shall be considered, for the purposes of this Act, as forming a part of that county, riding, or division respectively whereby such isolated or detached parts shall or may be wholly surrounded, but if any such isolated or detached part shall be surrounded by two or more counties, ridings, or divisions, then as forming part of that county, riding, or division with which such isolated or detached part shall have the longest common boundary.

IX. AND be it enacted, that from and after the time when any county shall have been so as aforesaid divided every election of a coroner for any such district shall be held at some place within the district in which he shall be elected to serve the office of coroner; and that every person to be so elected shall be chosen by a majority of such persons residing within such district as shall at the time of such election be duly qualified to vote at the elections of coroners for the said county.

AND be it enacted, that from and after the division of any counties as Sheriff to hold aid into coroners districts, upon every election to be made of any coroner mers for any county the sheriff of the county where such election shall election of shall hold a court for the same election at some convenient place the district for which the election of coroner shall take place, on some be by him appointed, which day shall not be less than seven days nor ban fourteen days after the receipt of the writ de coronatore eligendo; case the said election be not then determined upon the view, with the of the electors there present, but that a poll shall be demanded for ıt. nination thereof, then the said sheriff, or in his absence his under sheriff, poll to betaken. adjourn the same court to eight of the clock in the forenoon of the next out one, unless such next day but one shall be Saturday or Sunday, and of the Monday following; and the said sheriff, or in his absence the r sheriff, with such others as shall be deputed by him, shall then and there eed to take the said poll in some public place or places by the same sheriff, is under sheriff as aforesaid in his absence, or others appointed for the ng thereof as aforesaid; I and such polling shall continue for two days only, sight hours in each day; and no poll shall be kept open later than four of

clock in the afternoon of either of the said days. I I. And be it enacted, that for more conveniently taking the poll at all Places for tions of coroners under the authority of this Act the poll for the election of at elections for coroner in each district shall be taken at the place to be appointed for coroners. ling the court for such election, and at such other places within the same rict as may for the time being be appointed by the quarter sessions.

III. And be it enacted, that at every contested election of coroner for any Polling booths. rict of the said county the sheriff, under sheriff, or sheriff's deputy shall, if aired by or on the behalf of any candidate on the day fixed for the election, , if not so required, may, if it shall appear to him expedient, cause a booth booths to be erected for taking the poll at the court or principal place of tion, and also at each of the polling places within the district herein-before ected to be used for the purposes of such election, and shall cause to be xed on the most conspicuous part of each of the said booths the names of several parishes, townships, and places for which such booth is respectively otted; and no person shall be admitted to vote at any such election in No voter to pect of any property situate in any parish, township, or place, except at the th so allotted for such parish, township, or place, and if no booth shall be otted for the same then at any of the booths for the same districts; and in e any parish, township, or place, or part of any parish, township, or place, Il happen not to be included in any of the districts, the votes in respect of included in perty situate in any parish, township, or place, or any part of any parish, rnship, or place, so omitted, shall be taken at the court or principal place of ction for such district of the said county.

XIII. AND for the more due and orderly proceeding in the said poll, be it Poll clerks to acted, that the said sheriff, or in his absence the under sheriff, or such as he be appointed all depute, shall appoint such number of clerks as to him shall seem meet d convenient for the taking thereof, which clerks shall take the said poll in the esence of the said sheriff, or his under sheriff, or such as he shall depute; and

any district.

I So much of this Act as authorizes the polling at elections for coroners to continue two days, rep., 23 & 24 Vict. c. 116. s. 2.] VOL. IX.

before they begin to take the said poll every clerk so appointed shall by the said sheriff, or his under sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same poll, and to set down the names of each elector, and the place of his residence, and for whom he shall poll, and to poll no elector who is not sworn, if required to be sworn by the candidates or either of them; and which oaths of the said clerks the said sheriff, or his under sheriff, or such as he shall depute, shall have authority to administer; and the sheriff, or in his absence his under sheriff, as aforesaid, shall appoint for each candidate such one person as shall be nominated to him by each candidate to be inspector of every clerk who shall be appointed for taking the poll; and every elector, before he is admitted to poll at the same election, shall, if required by or on behalf of any candidate, first take the oath herein-after mentioned; which oath the said sheriff, by himself or his under sheriff, or such sworn clerk by him appointed for taking the said poll as aforesaid, shall have authority to administer; (that is to say,)

Inspectors of poli clerks.

Electors to be sworn if required by candidates.

Oath.

* I swear [or, being one of the people called Quakers, or entitled by law to make affirmation, solemnly affirm], that I am a freeholder of the county

of , and have a freehold estate, consisting of

' lying at within the said county; and that such freshold estate has not been granted to me fraudulently or colourably on purpose to

' qualify me to give my vote at this election; and that the place of my abode
' is at [and, if it be a place consisting of more streets or places

'than one, specifying what street or place]; that I am twenty-one years of age, as I believe; and that I have not been before polled at this election

' [adding, except in cases of solemn affirmations] 'So help me GOD.'

Punishment for perjury or subornation of perjury. XIV. And be it enacted, that every elector or other person who shall wilfully and falsely take the said oath or affirmation hereby appointed to be taken by the electors as aforesaid shall for every such offence incur the penalties by law inflicted on persons guilty of perjury; and every person who shall unlawfully and corruptly procure or suborn any freeholder or other person wilfully and falsely to take the said oath or affirmation in order to be polled shall for every such offence incur such pains and penalties as are by law inflicted on persons guilty of subornation of perjury.

Custody of poll books, and final declaration of the poll. XV. AND be it enacted, that the poll clerks shall, at the close of the poll, enclose and seal their several books, and shall publicly deliver them, so enclosed and sealed, to the sheriff, under sheriff, or sheriff's deputy presiding at such poll, who shall give a receipt for the same; and every such deputy who shall have received any such poll books shall forthwith deliver or transmit the same, so enclosed and sealed, to the sheriff or his under sheriff, who shall receive and keep all the poll books unopened until the reassembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll, and shall make proclamation of the person chosen, not later than two of the clock in the afternoon of the said day.

Expences of sheriff, &c. to be paid

XVI. AND be it enacted, that all the reasonable costs, charges, and expences which the said sheriff, or his under sheriff or other deputy, shall expend or be liable to in and about the providing of poll books, booths, and clerks, (such

to be paid not more than one guinea each for each day,) for the purpose by the caning the poll at any such election, shall be borne and paid by the several tes at such election in equal proportions.

II. And whereas great difficulty and delay is frequently occasioned by attendance of jurors and witnesses summoned to attend the coroner on . pr inquest: Be it therefore enacted, that if any person, having been Coroners may moned as a juror or witness to give evidence upon any coroner's for nont, as well of liberties and franchises contributing to the county rates as attendance ties, cities, and boroughs, shall not, after being openly called three witnesses. appear and serve as such juror, or appear and give evidence on such st. every such coroner shall be empowered to impose such fine upon person so making default as he shall think fit, not exceeding forty ngs; and every such coroner shall make out and sign a certificate, con- Coroner to ng the name and surname, the residence, and trade or calling of every to the clerk person so making default, together with the amount of the fine imposed, of the peace; the cause of such fine, and shall transmit such certificate to the clerk of peace for the county, riding, division, or place in which such defaulter l reside, on or before the first day of the quarter session of the peace then t ensuing, and shall cause a copy of such certificate to be served upon the on so fined, by leaving it at his residence twenty-four hours at the least ore the first day of the said next quarter session of the peace; and every who shall

h clerk of the peace shall copy the fine or fines so certified on the roll on enter them ch all fines and forfeitures imposed at such quarter session of the peace of fines imli be copied, and the same shall be estreated, levied, and applied in like posed at nner, and subject to the like powers, provisions, and penalties in all respects, sions. f such fine or fines had been part of the fines imposed at such quarter Levy of fines.

ion: Provided always, that nothing herein contained shall be construed Proviso. affect any power now by law vested in the coroner for compelling any son to appear and give evidence before him on any inquest or other pro-

ding, or for punishing any person for contempt of court in not so appearing I giving evidence, or otherwise.

KVIII. AND be it enacted, that from and after the passing of this Act, in Coroner not cases in which any person shall be charged by any coroner's inquisition h the commission of any crime, and shall be subsequently put upon his prosecution al, either on such inquisition, or in pursuance of any bill of indictment nd for the same, the coroner before whom such inquisition shall have coroner in the en found shall be wholly incompetent to act as an attorney in prosecution defence of such person for such crime, either by himself or his partner rectly or indirectly); and that in all cases in which it shall appear to the Penalty. lge before whom such person shall be tried that any coroner shall have so ed, contrary to the provision and intention of this Act, such judge shall pose upon every coroner so offending such penalty, not exceeding fifty unds, as the said judge shall in his discretion think fit.

XIX. And be it enacted, that every coroner elected under the authority of Coroner, is Act, although such coroner may be designated as the coroner for any elected for rticular district of a county, and may be elected by the electors of such dis- a district, shall ict, and not by the freeholders of the county at large, shall for all purposes as coroner for hatsoever, except as herein-after mentioned, be considered as a coroner for the whole se whole county, and shall have the same jurisdiction, rights, powers, and

s jurors and

where he shall

authorities throughout the said county as if he had been elected one of t coroners of the said county by the freeholders of the county at large.

XX. And be it enacted, that, except as aforesaid, every coroner for a county, or any district thereof, or his deputy, after he shall, in pursuance the provisions of this Act, have been assigned to or elected by the electors any particular district, shall, except during illness or incapacity or unavoidab absence as aforesaid of any coroner for any other district, or during a vacan in the office of coroner for any other district, hold inquests only within t district to or for which he shall have been assigned or elected: Provide always, that the coroner who shall, by himself or deputy, hold any inquest any other district save that to which he shall have been assigned or elected aforesaid shall, in his inquisition to be returned on such inquest, certify cause of his attendance and holding such inquest; which certificate shall conclusive evidence of the illness or incapacity or unavoidable absence as afo said of the coroner in whose stead he shall so attend, or of there being vacancy in the office of coroner for the district in which such inquest shall

XXI. And whereas doubts have arisen as to the power of the justices order the payment of allowances for travelling in any case where an inqu tion has not been taken, although such coroner has been compelled to tra from his usual place of abode for the purpose of taking an inquisition: B therefore enacted, that it shall and may be lawful for the justices of the pe their travelling in their general or quarter sessions assembled for the county, riding, divisi or liberty where such inquisition would have been taken, or the major par them, if they shall see fit, to order the payment of such allowances for trav ling to any coroner who shall show, to the satisfaction of the said justices, t he had been compelled, in the discharge of his office, to travel from his us place of abode for the purpose of taking an inquisition, but which, in exercise of his discretion, he deemed to be unnecessary, and declined to take

XXII. And whereas, in cases where the sheriff is a party, or otherwise qualified to act, and in various other cases, writs and processes in civil act and suits, and also extents and other process where the Queen is interes are frequently directed to and executed by the coroner in the place and s of the sheriff, but the coroner is not in any such case allowed any fee or rew for the execution of any such writs, process, or extents: Be it there enacted, that in all cases where any writ, process, or extent whatsoever s be directed to and executed by any coroner or coroners in the place or stea any sheriff or sheriffs, such coroner or coroners shall have and receive such the same poundage fees or other compensation or reward for executing same as the sheriff or sheriffs, if he or they had executed the same, would been entitled to receive for so doing, and shall also have such and the s right to retain, and all other remedies for the recovery of the same, as sheriff or sheriffs would have had in whose place and stead such corone coroners shall have been substituted; and if the fees or compensation pay to the sheriffs shall at any time after the passing of this Act be increase Act of Parliament or otherwise, that in every such case the coroner or coro shall be entitled to such increased fees or compensation.

XXIII. And whereas by an Act passed in the sixth year of the reign of Majesty Queen Victoria, intituled "An Act for the more convenient holding

Present and future coroners (except during illness, &cc. of coroner for another district, or in case of vacancy in the office,) to hold inquests only within the district to which they shall have been assigned or elected. Coroner holding inquest elsewhere to certify the reason.

Justices may order coroners to be paid expences though no inquisition shall be taken.

Coroners to be paid as sheriffs when they act for sheriffs.

6 & 7 Vict. c. 12.

or oners inquests," it was enacted, that for the purpose of holding coroners ests every detached part of a county, riding, or division shall be deemed within that county, riding, or division by which it is wholly surrounded, Pere it is partly surrounded by two or more counties, within that one hich it has the longest common boundary:

XIV. And be it enacted, that the treasurer of every county shall keep Expences ecount of all expences occasioned to such county by any inquest in or with ect to any such detached part of any other county, and shall twice in every send a copy of such account to the treasurer of the other county to which respect to any detached part belongs; and the treasurer of such other county shall, out the monies in his hands as treasurer, pay the same to the order of the county to be asurer sending the account, with all reasonable charges of making and sendthe account; and in case any difference shall arise concerning the said ount, and such difference shall not be adjusted by agreement, it shall be wful for either of the parties to apply to the justices of assize of the last eccding circuit or of the next succeeding circuit, or to one of such justices, ho shall, by writing under their or his hands or hand, nominate a barrister law, not having any interest in the question, to arbitrate between the rties; and such arbitrator may, if he shall see fit, adjourn the hearing from me to time, and require all such further information to be afforded by either the parties as shall appear to him necessary, and shall by his award in writg determine the matters in difference, and his award shall be final and conusive between the parties; and such arbitrator shall also assess the costs of e arbitration, and shall direct by whom and out of what fund the same shall paid.

detached part of any other repaid by Settlement difference.

XXV. AND be it enacted, that no coroner of the Queen's household and the Coroners for arge of the Queen's palaces, nor any coroner of the Admiralty, nor any roner of the city of London and borough of Southwark, or of any franchises elonging to the said city, nor any coroner of any city, borough, town, liberty, franchise which is not contributory to the county rates, or within which ich rates have not been usually assessed, shall be entitled to any fee, recomence, or benefit given to or provided for coroners by this Act; but that it all be lawful for all such coroners as are last mentioned to have and receive ll such fees, salaries, wages, and allowances as they were entitled to by law efore the making of this Act, or as shall be given or allowed to them by the erson or persons by whom they have been or shall be appointed.

cepted out

XXVI. And be it enacted, that the provisions of this Act touching the llowance for the travelling expences of coroners shall be deemed and taken to xtend to coroners appointed and acting for the jurisdiction of the Cinque orts, any thing herein-before contained to the contrary notwithstanding.

Provisions as to travelling expences to extend to the Cinque Ports.

[XXVII.] And be it enacted, that nothing in this Act contained touching To what ne divisions of counties into districts, or the appointment or election of places this proners, shall extend to the county of Chester, or any county palatine, city, extend. orough, town, liberty, franchise, part, or place, the appointment or election of oroner whereof takes place by law otherwise than under the writ de coronaore eligendo.

I's So much of this Act as exempts the county of Chester from the provisions of this Act, rep., 23 & 24 Vict. c. 116. s. 7.]

Meaning of "county."

As to counties of York and Lincoln.

Not to affect the royal prerogative, &c. for issuing writ de coronatore eligendo. Act to extend only to England. XXVIII. And be it enacted, that in construing this Act the wo "county" shall be taken to mean county, riding, or division of a county in a for which a separate coroner has been customarily elected; and that in the counties of York and Lincoln all things herein-before directed to be done and with respect to the justices in general or quarter sessions assembled, and their clerk, shall be done by and with respect to the justices of the secounties of York and Lincoln in general gaol sessions assembled, and by the clerk.

XXIX. PROVIDED always, and be it declared and enacted, that noth herein contained shall be construed to abridge or affect the royal prerogation the authority of the lord chancellor, for issuing a writ de coronat eligendo as fully as if this Act had not been passed.

XXX. And be it enacted, that this Act shall extend only to England.

CHAPTER XCIV.

An Act to explain and amend an Act for making better Provision for Spiritual Care of populous Parishes. [9th August 18]

WHEREAS an Act was passed in the last session of Parliament, intite "An Act to make better provision for the spiritual care of popul "parishes"; and it is expedient to explain and amend certain of the visions of the said Act: Be it enacted by the Queen's most excellent Maje by and with the advice and consent of the lords spiritual and temporand commons, in this present Parliament assembled, and by the authority the same, that wherever any right of patronage of any district or new parameters or perpetual curate thereof, shall be assigned to or vested in or be exercised by her Majesty, according to or under the provisions of the Act, it shall be lawful for her Majesty to nominate to the bishop of diocese a spiritual person to be licensed to such district or new parisminister or perpetual curate thereof, as the case may be, by warrant under royal sign manual; and such warrant shall be full and sufficient authority such bishop to license such spiritual person accordingly.

II. And be it declared and enacted, that wherever any right of patro of any such district or new parish shall in like manner be assigned to vested in or may be exercised by any bishop, it shall be lawful for such bit to license a spiritual person to such district or new parish as ministed perpetual curate thereof, as the case may be, in the same manner, multiplication of the may now by law license a spiritual person to any perpetuacy.

III. PROVIDED always, and be it enacted, that no fee whatever shapayable for or in respect of any such warrant as aforesaid; and that a fone pound, and no more, shall be receivable by the secretary of any bisho and in respect of each and every licence granted by such bishop of a spir person as minister or perpetual curate of any such district or new pari aforesaid, or of any building licensed by such bishop within any such disfor the performance of divine service, pursuant to the provisions of the

6 & 7 Vict. c. 37.

Where right of patronage of district or new parish under recited Act is vested in the crown, her Majesty may nominate ministers to bishop by warrant under her sign manual.

Where right of patronage is vested in the bishop, he may license, as to any existing perpetual curacy.

No fee for warrant. Fee for licence. ; and no further or larger fee or gratuity shall be receivable by any person mesoever for or in respect of the making, issuing, or granting of any such ce as aforesaid.

AND be it declared and enacted, that wherever any incumbent or patron Service of according to the provisions of the said recited Act, it shall be scheme under to transmit or deliver the draft of any scheme proposed to be laid where her Majesty in council, shall be beyond the seas, it shall be and be to be a sufficient compliance with such provisions to leave such draft, ne case of an incumbent, at the house of residence belonging to his benefice hurch, or if there be no such house of residence then at his last usual e of a bode in England, and in the case of a patron at his last usual place abode in England: Provided always, that in any such case of an absent Scheme not umbent or patron such scheme shall not be laid before her Majesty in ncil until after the expiration of two calendar months from the day on ich the draft thereof shall have been so left, unless such incumbent and two months tron shall in the meantime consent to the same.

V. AND be it declared and enacted, that in the case of any such incumbent Service where ing an idiot or lunatic or of unsound mind, or of any benefice or church incumbent is ing under sequestration, or of the duties thereof being performed by a or benefice rate duly appointed in consequence of the suspension or the reputed sequestered. capacity of the incumbent thereof, it shall be and be deemed to be a sufficient mpliance with the same provisions to deliver or transmit the draft of any ch scheme to the committee of such idiot, lunatic, or person of unsound mind, to the sequestrator, or to such curate of such benefice or church, as the case by be; and the consent of such committee, sequestrator, or curate shall be emed to be the consent of the incumbent, within the meaning of the said

VI. And be it declared and enacted, that in any case in which the patronage Service where any church or chapel of any parish, chapelry, or district is or shall be vested numerous. and exercised by the inhabitants generally of such parish, chapelry, or strict, or by any body or class of persons exceeding five in number, it shall and be deemed to be a sufficient compliance with the same provisions to eliver or transmit the draft of any such scheme to one of such patrons, and the churchwardens or chapelwardens of any such church or chapel, as the se may be; and such churchwardens or chapelwardens, or one of them, hall thereupon cause notice of the contents of such draft to be given to such atrons, and shall ascertain their objections, if any, or their consent to such cheme, in such manner as the Ecclesiastical Commissioners for England shall irect, and such churchwardens or chapelwardens, or one of them, shall ommunicate the same to the said commissioners or to the bishop of the iocese; and the said commissioners shall not lay such scheme before her lajesty in council until after the expiration of two calendar months from the ay on which such draft shall have been so delivered or transmitted, unless uch consent shall in the meantime be given.

VII. And be it declared and enacted, that in the construction of the said Construction ecited Act the words "goods and chattels" shall be construed to extend to terms in and comprehend all personal estate and property whatsoever; and the word 6 & 7 Vict. testament" shall be construed to extend to and comprehend any will or c. 87. estamentary paper whatsoever, including under such definition the execution

incumbent or patron is

Majesty in after such

by any such will, testament, or testamentary paper of any appointment, pursuance of any power, howsoever conferred or acquired.

Original map or plan may be registered instead of copy.

Bounds of districts may be varied by scheme within 12 months from first licence of minister of new district. VIII. AND be it declared and enacted, that, notwithstanding any thing the said recited Act contained, it shall be lawful to transmit the original more plan annexed to any scheme laid before her Majesty in council under the provisions of the said recited Act to be registered in the registry of the diocese, instead of a copy thereof, as provided by the same Act.

IX. And be it declared and enacted, that it shall be lawful, by the authori in the said recited Act provided, at any time or times within twelve montafter the date of the licence of the minister first licensed to any separatistrict constituted under the provisions of the same Act, to alter the bound of such district, although any alteration be not required with a view to constituting of another separate district: Provided always, that the scheme making any such alteration shall be subject to all the provisions in the same Act and in this Act contained relating to schemes for constituting separatistricts thereunder; and that any portion of any such separate district which is any such alteration as aforesaid shall become detached or excluded therefore shall to all intents and purposes again belong to and form part of the participality, or district out of which such portion was taken upon such separatistrict being originally constituted, or to and of any new district, as shall determined by the like authority.

Cure of souls not to be affected by scheme until minister is licensed.

Form of grant or conveyance as in schedule. X. And be it declared and enacted, that in the case of any district of stituted under the provisions of the said recited Act nothing contained in scheme or order for constituting the same shall in any manner whatever aff any parish, chapelry, or district, as to the pastoral superintendence of inhabitants thereof or otherwise, until a minister shall have been duly licent to such newly constituted district.

XI. AND be it enacted, that any grant, conveyance, or assurance which sibe made to the said commissioners by deed, under the authority of the strecited Act, of any lands, tithes, tenements, or other hereditaments, may made according to the form in the schedule hereunto annexed contained, or near thereto as the circumstances of the case will admit; and every strength conveyance and assurance shall be valid and effectual in the law to all integrated purposes.

SCHEDULE.

I [or We, or the corporate title, if a corporation], under the authority Acts passed in the sessions of Parliament held in the sixth and seventh seventh and eighth years of the reign of her present Majesty, intituled rest tively, "An Act to make better provision for the spiritual care of popul "parishes," and "An Act to explain and amend an Act to make be "provision for the spiritual care of populous parishes," do by these present freely and voluntarily, and without any valuable consideration, give, green convey, and assure to the Ecclesiastical Commissioners for England all [described premises to be conveyed], and all [my, or our, or the] right, title, interest [of, if a corporation,] to and in the same and every part thereof

to the said commissioners and their successors for the purpose of [describe rticular purpose, being some purpose within the provisions of the said or say, generally, for the purposes of the said Acts]. eof, &c.

CHAPTER XCV.

to amend an Act of the Ninth Year of King George the Fourth, for the Preservation of the Salmon Fisheries in Scotland.

[9th August 1844.]

THEREAS an Act was passed in the ninth year of the reign of his Majesty King George the Fourth, intituled "An Act for the preserva- 9 Geo. 4. ion of the salmon fisheries in Scotland": And whereas it is expedient to vent the destruction of salmon, or fish of the salmon kind, in the sea or res thereof: And whereas doubts are entertained of the provisions of the d Act being applicable to the sea or sea shore: Be it therefore enacted by Persons, &c. Queen's most excellent Majesty, by and with the advice and consent of fishing for lords spiritual and temporal, and commons, in this present Parliament river, &c. in Scotland, or embled, and by the authority of the same, that if any person not having a al right or permission from the proprietor of the salmon fishery shall from d after the passing of this Act wilfully take, fish for, or attempt to take, or having a legal l or assist in taking, fishing for, or attempting to take, in or from any river, eam, lake, water, estuary, firth, sea loch, creek, bay, or shore of the sea, or to penalty. or upon any part of the sea, within one mile of low-water mark, in Scotnd, any salmon, grilse, sea trout, whitling, or other fish of the salmon kind, ch person shall forfeit and pay a sum not less than ten shillings and not ceeding five pounds for each and every such offence, and shall, if the sheriff justices shall think proper, over and above, forfeit each and every fish so ken, and each and every boat, boat tackle, net, or other engine used in king, fishing for, or attempting to take fish as aforesaid; and it shall be wful for any person employed in the execution of this Act to seize and tain all fish so taken, and all boats, tackle, nets, and other engines so used, nd to give information thereof to the sheriff or any justice of the peace, and ch sheriff or justice may give such orders concerning the immediate disposal the same as may be necessary.

II. AND be it enacted, that the regulations as to the recovery and applica- Provisions of on of penalties and the apprehension of offenders, and all other enactments nd provisions of the said recited Act, shall extend and apply to what is this Act. erein above enacted, and this Act shall be construed and applied in the same anner and in all respects as if it had formed part of the said recited Act.

III. AND be it enacted, that nothing herein contained shall be construed as Saving rights epriving any proprietor of salmon fishery of any right now by law vested in ich proprietor to prevent any person from fishing either within or beyond sons from he limits specified in this Act.

IV. AND be it enacted, that nothing herein contained shall affect the rights Saving rights r property of the crown.

salmon in any within one mile of the shore, not right or permission, liable

of proprietors to prevent per-

of the crown.

CHAPTER XCVI.

An Acr to amend the Law of Insolvency, Bankruptcy, and Execution. [9] [9th August 1844.

Arrest upon final process in an action for debt not exceeding 201. and costs abolished.

In default of payment of money after judge's order, execution to issue against the goods of the party in default.

In case of order for payment by instalments, execution not to issue till after default in payment of instalment.

Power to suspend execution in certain cases. LVII. And whereas it is expedient to limit the present power of arrest upon final process: Be it enacted, that from and after the passing of this Act no person shall be taken or charged in execution upon any judgment obtained in any of her Majesty's superior courts, or in any county court, court of requests, or other inferior court, in any action for the recovery of any debt wherein the sum recovered shall not exceed the sum twenty pounds, exclusive of the costs recovered by such judgment. [Rep., 32 & 33 Victor, 83. s. 20.]

LX. And be it enacted, that whenever the judge of any such court shat have made an order for the payment of money the amount shall be recoverable in case of default or failure of payment thereof forthwith, or at the time of times and in the manner thereby directed, by execution against the goods and chattels of the party against whom such order shall be made; and the clerk the said court, at the request of the party prosecuting such order, shall issue under the seal of the court, a writ of fieri facias, as a warrant of execution one of the bailiffs of the court, who by such warrant shall be empowered levy, by distress and sale of the goods and chattels of such party within the jurisdiction of the said court, such sum of money as shall be so ordered, at also the costs of the execution; and all constables and other peace office within their several jurisdictions shall aid in the execution of every survarrant.

LXI. And be it enacted, that if the judge of any such court shall had made any order for payment of any sum of money by instalments, execution upon such order shall not issue against the party until after default in payment of some instalment according to such order, and execution or successive executions may then issue for the whole of the said sum of money and court then remaining unpaid, or for each successive instalment and costs remaining from time to time unpaid, as the judge shall order, either at the time making the original order, or at any subsequent time, under the seal of the court.

LXII. And be it enacted, that if it shall at any time appear to the satisfation of the judge of any such court, by the oath or affirmation of any persor otherwise, that any defendant is unable, from sickness or unavoidal accident, to pay and discharge the debt or damages recovered against him, any instalment thereof ordered to be paid as aforesaid, it shall be lawful

I By 9 & 10 Vict. c. 95. s. 6. it is enacted, that as soon as a court shall have be established in any district under that Act, and also at the time mentioned in any or which shall have been made as in that Act mentioned for holding any of the commentioned in either of the schedules (A.) and (B.) annexed to that Act as a county of under that Act, the several provisions and enactments of this Act, and of the 8 & 9 Vict. c. 127., and of every other Act of Parliament theretofore passed, so far the same respectively relate to or affect the jurisdiction and practice of the court established or ordered to be holden as a county court, or give jurisdiction to any cor to any commissioner of the Court of Bankruptcy with respect to judgments or or obtained in the court so established or ordered to be holden as a county court, shall repealed.

jzzdge, in his discretion, to suspend or stay any judgment, order, or execugiven, made, or issued in such action for such time as the judge shall fit, and so from time to time until it shall appear, by the like proof as seid, that such temporary cause of disability has ceased.

III. And be it enacted, that in or upon every such warrant of execution Execution against the goods and chattels of any person whomsoever the clerk of seded on shall cause to be inserted or endorsed the sum of money and costs payment of debt and deed, with the increased costs allowed for such execution; and if the costs. y against whom such execution shall be issued shall, before an actual sale he goods and chattels, pay or cause to be paid or tendered unto the clerk he said court, or to the bailiff holding the warrant of execution, such sum noney and costs as aforesaid, or such part thereof as the person entitled reto shall agree to accept in full of his debt or damages and costs, together h such fees as shall have been lawfully incurred by him in the suit on ich such execution issued, the execution shall be superseded.

LXIV. And be it enacted, that in case any bailiff of any such court who Bailiffs made all be employed to levy any execution against goods and chattels shall, by for neglect lful or notorious neglect or connivance or omission, lose the opportunity of to levy. ying any such execution, then, upon complaint of the party aggrieved by ason of such neglect, connivance, or omission, (and the fact alleged being oved to the satisfaction of the court out of which execution issued, on the th of any credible witness,) the judge shall order such bailiff to pay such mages as it shall appear that the plaintiff has sustained thereby, not ceeding in any case the sum of money for which the said execution issued, nd the bailiff shall be liable thereto; and upon demand made thereof, and on s refusal so to pay and satisfy the same, it may be recovered against him by ich ways and means as are provided for the recovery of debts adjudged in

e said court. LXV. AND be it enacted, that if any bailiff or officer of any such court, Remedies cting under colour or pretence of the process of the said court, shall be harged with extortion or misconduct, or with not duly paying or accounting officers for or any money levied by him under the authority of the court, it shall be wful for the judge to inquire into such matter in a summary way, and for hat purpose to summon and enforce the attendance of all necessary parties in ke manner as the attendance of witnesses in any suit before him may be nforced, and to make such order thereupon for the repayment of any money xtorted, or for the due payment of any money so levied as aforesaid, and for he payment of such damages and costs, as he shall think just; and in default f payment of any money so ordered to be paid the same may be recovered by uch ways and means as are provided for the recovery of debts adjudged in be said court.

LXVI. And be it enacted, that every sale of goods which shall be taken in taken in xecution under process issuing from any such court for the recovery of small execution lebts shall be taken to be within all the provisions of an Act passed in the of small debts eighth year of the reign of King George the Fourth, intituled "An Act to court to be extend the provisions of an Act made in the fifty-seventh year of King provisions of ' George the Third, for regulating the costs of certain distresses."

LXVII. And be it enacted, that no landlord of any tenement let at a Landlord's weekly rent shall have any claim or lien upon any goods taken in execution lien for rent

extortion, &c.

Sale of goods

Claims as to goods taken in execution under process of small debts court to be adjudicated

upon by

such court.

Stay of actions brought elsewhere in respect of such claims.

Distress not unlawful for want of form.

Appointment of barristers or attorneys as assessors of inferior courts.

Fees as in schedule (B.) under the process of any court of law for more than four weeks arrears rent; and if such tenement shall be let for any other term less than a year the landlord shall not have any claim or lien on such goods for more than the arrears of rent accruing during four such terms or times of payment.

LXVIII. And be it enacted, that if any claim shall be made to or in respe of any goods or chattels taken in execution under the process of any cou for the recovery of small debts, or in respect of the proceeds or value there by any landlord for rent, or by any person not being the party against who such process has issued, it shall be lawful for the clerk of the court out which such execution issued, upon application of the officer charged with t execution of such process, either before or after any action brought again such officer, to issue a summons calling before the court out of which su execution issued both the party issuing such process and the party maki such claim, and thereupon any action which shall have been brought in any her Majesty's superior courts at Westminster, or in the Court of Comm Pleas at Lancaster, or in any local or inferior court, in respect of such claim shall be stayed; and the court in which such action shall have been broug or any judge thereof, on proof of the issue of such summons, and that goods and chattels were so taken in execution, may order the party bringi such action to pay the costs of all proceedings had upon such action after issue of such summons; and the judge of the court for the recovery of sm debts out of which such execution issued shall adjudicate upon such claim, make such order between the parties in respect thereof, and of the costs of proceedings, as to him shall seem fit; and such order shall be enforced in l manner as any order made in any suit brought in such court.

LXIX. And be it enacted, that where any distress shall be made for a sum of money to be levied by virtue of this Act the distress itself shall not deemed unlawful, nor the party making the same be deemed a trespasser, account of any defect or want of form in the information, summons, convictive warrant of distress, or other proceeding relating thereto, nor shall the particularity which shall afterwards be committed by the party so distrain but the person aggrieved by such irregularity may recover full satisfaction the special damage in an action upon the case.

LXXII. AND whereas there are divers courts of requests and other infer courts for the recovery of small debts not presided over by a barrister or attorney at law as judge or assessor: Be it enacted, that it shall be lawful the commissioners of any such court, if they shall think fit, with the approof one of her Majesty's principal secretaries of state, to appoint any personal being a barrister who shall have practised as a barrister for at least seyears then last past, or an attorney at law of one of the superior courts common law at Westminster, or of the Court of Common Pleas at Lancas who shall have practised as an attorney for at least ten years, to be assessor of such court, and to direct what fees shall be paid to such asses by the suitors of such court, not exceeding the fees in the schedule marked (hereunto annexed; and it shall be lawful for the said secretary of state remove any such assessor for incompetence or misbehaviour: Provided alwer that no assessor so to be appointed shall be deemed to be entitled to any courts.

by this Act.

tion for the loss of his office, or for any diminution in the value thereof, son of the passing of any general Act for the recovery of small debts.

XIII. AND be it enacted, that in construing this Act ord "judge," as applied to any court for the recovery of small debts, ean and include the county clerk, judge, steward, and assessor, or the holding or presiding in such court; and every word importing the number only shall extend and be applied to several persons or things ell as one person or thing, and bodies corporate as well as individuals; every word importing the plural number shall extend and be applied to person or thing as well as several persons or things; and every word iming the masculine gender only shall extend and be applied to a female as as a male; (unless, in the cases above specified, a different construction 11 be provided, or the construction be repugnant to the subject matter or text;) and the provisions . . . of this Act shall be construed by logy to the law of bankruptcy, except where otherwise therein

Construction

SCHEDULE.

pressed, and in the most beneficial manner for promoting the ends intended

SCHEDULE (B.)

Assessor's	Fees.				8.	d.
For every summons	-	_		-	1	0
For every hearing or trial -	-		-	-	2	6
For every order, decree, or judgment	; -	-		-	1	0

CHAPTER XCVII.

N ACT for the more effectual Application of Charitable Donations and Bequests in Ireland. [1] [9th August 1844.]

THEREAS it is expedient that the pious intentions of charitable persons should not be defeated by the concealment and misapplication of neir donations and bequests to public and private charities in Ireland: And hereas the provisions of the Act passed by the Parliament of Ireland in the nird year of his late Majesty King George the Third, intituled "An Act for s Geo. s. the better discovery of charitable donations and bequests," and of the Act assed by the Parliament of Ireland in the fortieth year of the reign of his aid late Majesty King George the Third, intituled "An Act to amend an Act 40 Geo. 3. passed in the third year of his present Majesty King George the Third, intituled 'An Act for the better discovery of charitable donations and 'bequests,' have been found insufficient for such purposes; and it is xpedient and necessary that provision should be made for the better managenent of such charitable donations and bequests as have been heretofore made,

In This Act is rep., 30 & 31 Vict. c. 54 s. 1., as to any of its provisions inconsistent with that Act: it is also rep., 34 & 35 Vict. c. 102. s. 2., as to any of its provisions aconsistent with that Act.]

Commissioners of charitable donations and bequests for Ireland appointed and incorporated.

II. AND be it enacted, that the master of the rolls in the High Court of Chancery of Ireland for the time being, the chief baron of the Court of Exchequer in Ireland for the time being, and the judge of her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland for the time being, together with ten other proper and discreet persons, to be from time to time appointed by her Majesty in council, by warrant under the sign manual, of which ten persons five and not more than five shall at all times be persons professing the Roman Catholic religion, shall be one body politic and corporate, by the name of "The Commissioners of Charitable" Donations and Bequests for Ireland," and by that name shall have perpetual succession and a common seal, and by that name may sue and be sued.

Removal and appointment of commissioners.

III. And be it enacted, that the said commissioners shall be at all times removable by her Majesty in council, by warrant under the sign manual; and that whenever, by death, resignation, removal, or otherwise, any person shall cease to be a commissioner under this Act, it shall be lawful for her Majesty, by warrant as aforesaid, to appoint one other person instead of the person so ceasing to be such commissioner; and every appointment of the said commissioners and their successors shall be published in the Dublin Gazette.

Chairman of commissioners.

V. And be it enacted, that at each meeting of the said commissioners the said master of the rolls, or in his absence the said chief baron of the Court of Exchequer, or in his absence the said judge of the Prerogative Court, if present and, in the absence of all, the senior commissioner in the order of appointment, shall preside; and the chairman at all such meetings shall not only vote as a commissioner, but, in case of the equality of votes, shall have also the casting or decisive vote.

VI. Provided always, and be it enacted, that the consideration of all

charitable donations and bequests, and of matters relating to them, in which

Religious questions to be referred to committees consisting of the Protestant or Roman Catholic members of the commission, as the case may be.

any question shall arise before the said commissioners concerning the usages or discipline of the United Church of England and Ireland, or of any body of Protestant Nonconformists, shall be referred to a committee of the said commissioners consisting of those commissioners who are Protestants; and that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said commissioners concerning the usages or discipline of the Church of Rome, shall be referred to a committee of the said commissioners consisting of those commissioners who profess the Roman Catholic religion; and that whenever, by reason of reference to or intendment of any usage of any such church or body, or any district or division, in use according to the discipline of any such church or body, the object of the donation, devise, or bequest shall not be defined with legal certainty in the deed or will creating the trust, the committee to

which the same shall be referred shall certify to the commissioners who is, according to the uses and intendment of such church or body, the person for the time being intended to take the benefit of such donation, devise, or bequest

Certificates from committees to commissioners. ther particular facts concerning the usages or discipline of such church or necessary to be known for the due administration of the trust according true intent and meaning of the donor; and the commissioners shall every such certificate as evidence of the facts certified, and shall give to such donation, devise, or bequest accordingly, so far as the same may fully executed according to the provisions of this Act: Provided always, thing herein contained shall be construed to limit or affect the jurisdicof any court of law or equity.

II. And be it enacted, that it shall be lawful for the lord lieutenant or Appointment er chief governors of Ireland, with the consent and approbation of the missioners of her Majesty's Treasury, from time to time to appoint during pleasure a secretary or secretaries to the said commissioners, and also such cers, clerks, and servants as may be necessary for the purposes of this Act; the said commissioners of her Majesty's Treasury shall fix the salary or aries of the said secretary or secretaries, officers, clerks, and servants in fit oportion, according to the duties which they from time to time may have to rform.

VIII. AND be it enacted, that the salaries of the said secretaries, officers, erks, and servants, and also the necessary expences of carrying on the isiness of the said commissioners of charitable donations and bequests for eland, not herein otherwise provided for, shall be paid by the commissioners her Majesty's Treasury out of the consolidated fund of the United Kingdom Great Britain and Ireland.

Salaries and

IX. AND be it enacted, that one of the secretaries, or some other officer of Minutes of ne said commissioners, shall make minutes of the proceedings of the said proceedings to be kept. mmissioners at their several meetings, and shall keep a book, in which he nall enter a fair copy of such minutes, and the names of the commissioners resent; and the fair copy of the minutes of the proceedings of each meeting hall be read at the next meeting of the commissioners, and if approved as orrect shall be signed by the chairman of the meeting at which they shall be o read.

X. And be it enacted, that the commissioners shall, once at least in every ear, and also whenever her Majesty's pleasure shall be signified to them in hat behalf, report to her Majesty their proceedings under this Act; and a opy of every such report shall be communicated to both Houses of Parliament vithin six weeks after the same shall be made, if Parliament be then sitting, or if not then within six weeks next after the next meeting of Parliament.

her Majesty. Reports to be laid before Parliament.

XI. And be it enacted, that from and after the first publication in the Property, &c. Dublin Gazette of the appointment of the commissioners of charitable donaions and bequests for Ireland under this Act the property, estate, and effects, created by ights, claims, titles, and possessions, of what nature or kind soever, of or recited Act 40 Geo. 8. (I.) pelonging or which of right ought to belong to the said body politic and c. 75. vested in corporate created by the said recited Act of the fortieth year of King George under this Act. the Third, and vested in the said body by virtue of the said Act or otherwise, shall vest in and devolve upon the commissioners of charitable donations and bequests for Ireland created by this Act, subject to such trusts and conditions, liabilities, contracts, and engagements, as the same shall then be aubject and liable to.

Commissioners may sue for recovery of charitable donations, &c. withheld, &c.

Proceedings not to be undertaken till submitted to attorney or solicitor general.

Commissioners not to pay costs to attornies, &c. unless amount approved by the Treasury.

Persons or bodies may by deed or will vest lands, &c. in the commissioners, in trust for Roman Catholic places of worship and ministers in Ireland.

Donations, &c. in favour of religious orders prohibited by 10 Geo. 4. c. 7. not made lawful.

Deeds, wills, &c. creating XII. And be it enacted, that the said commissioners of charitable donation and bequests for Ireland may sue for the recovery of every charitable donation devise, or bequest intended to be applied in Ireland which shall be withhele concealed, or misapplied, and shall apply the same, when recovered, charitable and pious uses, according to the intention of the donor or donor and the said commissioners shall be empowered to deduct out of all su charitable donations, devises, and bequests as they shall recover all the cost charges, and expences which they shall be put to in the suing for a recovery of the same: Provided always, that no information shall be filed, petition presented, or other proceeding at law or in equity undertaken prosecuted, by the said commissioners, until the same shall be submitted and allowed by her Majesty's attorney or solicitor general for Ireland, a such allowance certified by him.

XIV. And be it enacted, that no sum shall be paid by the said comm sioners of charitable donations and bequests for Ireland to any attorney solicitor, as and for costs, charges, or expences, unless the amount of supayment shall first have been approved of by the commissioners of Majesty's Treasury; and before any such sum shall be allowed by the scommissioners of the Treasury on such account as aforesaid the particulars all such costs, charges, and expences shall be laid before them.

XV. AND be it enacted, that every person or body corporate having in her, or their own right any estate or interest, in possession, reversion, remainder, of or in any lands, tenements, or hereditaments, or any property or in any goods or chattels, shall have full power, at his, her, and their will s pleasure, by deed duly executed, and attested by two credible witnesses, or his or her last will in writing, duly executed according to law, to give a grant to and vest in the said commissioners of charitable donations a bequests for Ireland, and their successors, all such his, her, or their esta interest, or property in such lands, tenements, hereditaments, goods, chattels, or any part or parts thereof, in trust for building, enlarging, upholdi or furnishing any chapel or place of religious worship of persons profess the Roman Catholic religion, or in trust for any archbishop or bishop or ot person in holy orders of the Church of Rome officiating in any district having pastoral superintendence of any congregation of persons professing Roman Catholic religion, and for those who shall from time to time so offici or shall succeed to the same pastoral superintendence, or for building residence for his and their use; and such estate, interest, or property in s lands, tenements, or other hereditaments, goods and chattels, shall vest in be holden by the said commissioners, subject to the trusts of such deed will respectively, without any writ or licence other than this Act: Provide always, that nothing herein contained shall be construed to render lawful donation, devise, or bequest to or in favour of any religious order, commun or society of the Church of Rome bound by monastic or religious vo prohibited by an Act passed in the tenth year of the reign of King Geo the Fourth, intituled "An Act for the relief of his Majesty's Roman Cath " subjects," or to or in favour of any member or members thereof.

XVI. AND be it enacted, that after the commencement of this Act donation, devise, or bequest for pious or charitable uses in Ireland shall

to create or convey any estate in lands, tenements, or hereditaments for such trusts ses, unless the deed, will, or other instrument containing the same shall a months 1y executed three calendar months at the least before the death of the before death executing the same, and unless every such deed or instrument, not and registered. will, shall be duly registered in the office for registering deeds in the Dublin within three calendar months after the execution thereof.

II. AND be it enacted, that it shall not be lawful for any such archbishop, or person in holy orders of the Church of Rome to alien, set, in any manner demise for any period whatever such lands, tenements, ditaments, or any part thereof, or in any manner whatever to charge or ber the same, or any property enjoyed by him under this Act, but that enjoyed by arges and incumbrances upon such lands, tenements, and hereditaments, ner property, and all conveyances, gifts, grants, demises, or sub-demises e same or any part thereof, made or to be made by any such archbishop, p, or other person in holy orders of the Church of Rome, shall be utely void: Provided always, that it shall and may be lawful for the said bishop, bishop, or other person in holy orders of the Church of Rome to ute such leases as herein after are mentioned.

VIII. AND be it enacted, that it shall and may be lawful for the said missioners of charitable donations and bequests for Ireland, from time to by deed under the common seal of the said commissioners, to demise or the said lands, tenements, or hereditaments, or any part thereof, by and the consent of the said archbishop, bishop, or other person in holy orders he Church of Rome, or those who respectively shall succeed them as esaid, testified by his or their being a party to and executing such lease, any term not exceeding twenty-one years, unless on building lease, in ch case such lease may be granted for any term not exceeding one hundred s: Provided always, that the said lease shall take effect in possession, and in reversion or by way of future interest, and that there be made payable ng the estate or interest thereby created the best yearly rent that can be onably obtained for the same, without any fine, premium, or foregift for making thereof being paid or payable to the said commissioners, or to the archbishop, bishop, or other person in holy orders of the Church of Rome; provided that there be contained in every such demise or lease a covenant the payment of the rent thereby reserved, and a condition for re-entry on -payment of the rent or any part thereof for twenty-one days next after same shall become due, and so that the lessee or lessees therein named do cute a counterpart of the said demise or lease, and be not in any manner le dispunishable for committing waste.

IX. And be it enacted, that from and after the commencement of this Act Vicar general vicar general or his surrogate, and the registrar of the Prerogative Court, l make a return upon oath to the commissioners of charitable donations bequests for Ireland, between the first day of July and the first day of commissioners vember in every year, of every charitable devise or bequest contained in of charitable will which shall be entered in the office of such vicar general, surrogate, of every registrar, which return shall likewise contain the name of the testator, the charitable ne or names of the person or persons to whom probate of any such will, contained in letters of administration with such will annexed, shall be granted, with the any will ente of such will, probate, or administration; which return shall be lodged office of such VOL. IX

of donor, &c.

&c. not to alien or demise lands, &c.

Reservation herein-after mentioned. Commissioners of charitable donations, &c. may lease said lands, &c. with consent of archbishop, &c. of Church of Rome.

Court to make donations, &c.

vicar general,

Particulars to be published in Dublin Gazette.

Accounts of the commissioners to be audited by chief or second remembrancer of the Exchequer in Ireland;

who may examine persons on oath respecting such accounts.

Commencement of Act.
Donations, &c.
otherwise
lawful not
avoided by
this Act.

with one of the secretaries of the said commissioners; and every such office as aforesaid who shall neglect to make such return as aforesaid shall forfeit the sum of five pounds sterling, to be recovered by any person who shall sue for the same by civil bill; and the person or persons to whom the probate of an such will or letters of administration as aforesaid shall be granted shall, with three calendar months next after obtaining the same, publish in the Dubl Gazette, three times successively, every charitable devise or bequest contain in such will, the name of the testator and date of such will or codicil, and the name of the person or persons to whom such charitable devise or bequest given and bequeathed, and the name of the person or persons appointed the testator for the management and direction thereof; and the expense such publication shall be paid by the said executors or administrators out the said respective charities; and every such person or persons who sh neglect to publish the same in manner herein required shall forfeit for eve such neglect the sum of five pounds sterling, to be recovered by any pers who shall sue for the same, by any action of debt, bill, plaint, or information in any of her Majesty's courts of record.

XX. And be it enacted, that the accounts of the said commissioners of sums passing through their hands arising from charitable donations a bequests shall, from and after the commencement of this Act, be from time time audited and declared by the chief remembrancer or second remembrance of the Court of Exchequer in Ireland; and that the said commissioners charitable donations and bequests in Ireland shall cause the said accounts be made out in such form as the said chief or second remembrancer sidirect, and shall send the same to him, with proper vouchers for their receivant payments; and the said chief remembrancer or second remembrance after examining each account rendered to him as aforesaid, with the docume annexed thereto, shall settle and declare the same, and shall lodge saccount, when so settled and declared, with the clerks of her Majesty's producil in Ireland, who shall send one copy thereof to the said commission of charitable donations and bequests for Ireland, and keep one other of the tereof in the privy council office in Ireland.

XXI. AND be it enacted, that it shall be lawful for the said chief rembrancer or second remembrancer to call before him and examine on oath person whom he may deem it necessary to examine on the matter of saccounts; and every person who on such examination on oath shall wilf make any false statement shall be deemed guilty of perjury.

XXII. AND be it enacted, that this Act shall commence from and after first day of January one thousand eight hundred and forty-five; and nothing herein contained shall be taken to avoid or render unlawful donation, devise, or bequest which but for this Act would be lawful, except to the time within which the deed, will, or instrument containing donation, devise, or bequest for pious or charitable uses is herein-be required to be executed and registered.

detained and kept in safe custody until return can be conveniently made to such warrs of distress, unless he give sufficient security, by way of recognizance or otherwise, the satisfaction of such justices, for his appearance before two justices on the day whi may be appointed for the return of such warrant of distress, such day not being mo than seven days from the time of taking any such security; but if upon the return such warrant, or if by the admission of such putative father, it appear that no suffici distress can be had, then any such two justices may, if they see fit, by warrant un their hands and seals, cause such putative father to be committed to the common g or house of correction of the county, city, borough, or place where they have jurisd tion, there to remain without bail or mainprize for any term not exceeding the calendar months, unless such sum and costs, and all reasonable charges attending said distress, together with the costs and charges attending the commitment and c veying to gaol or to the house of correction, and of the persons employed to convey thither, be sooner paid and satisfied: Provided always, that if the woman have allo the weekly payment to be in arrear for more than thirteen successive weeks, with application to a justice, the man shall not be called upon to pay more than the amo due for thirteen weeks in discharge of the whole debt, and no warrant of distress s be issued for more than the amount of arrears for thirteen weeks payment in discha of the whole arrears or debt. Rep., 35 & 36 Vict. c. 65. s. 2.]

Proviso.

Applications to sessions to be made within forty days after service of summons on putative father.

Appeal to quarter sessions by putative father.

IV. And be it enacted, that the justices in petty session as aforesaid n adjourn the hearing of the case as often as to them may seem fit; but no s order shall be made unless applied for at such petty sessions within the sp of forty days from the service of the summons after the birth of the basi child on the person alleged to be the father of such bastard child; and within twenty-four hours after the adjudication and making of any order the putative father as aforesaid such putative father give notice of appear the mother of the bastard child, and also within seven days give suffic security, by recognizance or otherwise, for the payment of costs, to the s faction of some one justice of the peace, it shall be lawful for such puts father to appeal to the general quarter sessions of the peace to be holden the period of fourteen days next after the making of the said order for county, city, borough, or place for which such petty session may have held; and the justices in such quarter sessions assembled, or the recorder the case may be, shall thereupon hear and determine such appeal, and order such costs to be paid by either party as to them or him may seem fi

Money under the order to be paid to the mother or to a person appointed by the justices.

V. And be it enacted, that all money payable under any order as afore shall be due and payable to the mother of the bastard child in respect of time and so long as she lives and is of sound mind, and is not in any ga prison, or under sentence of transportation; and after the death of the mo of such bastard child, or whilst such mother is of unsound mind, or conin any gaol or prison, or under sentence of transportation, any two just may, if they see fit, by order under their hands and seals from time to appoint some person who, with his own consent, shall have the custo such bastard child, so long as such bastard child is not chargeable to parish or union, and any two such justices may revoke the appointment such person, and may appoint another person in his stead; and every pe so appointed to have the custody of a bastard child shall, so long as such is not chargeable to any parish or union, be empowered to make applic for the recovering of all payments becoming due under the order of the of petty session as aforesaid, in the same manner as the mother of such ba child might have done; and the clerk to the justices making any order o putative father of a bastard child, or appointing any person to have the cus of such child, as herein-before provided, shall as soon as may be send by Guardians to bind poor children apprentices instead of overseers. Allowance by justices not required.

Registration under 42 Geo. 8. c. 46.

Proviso as to apprenticeship to sea service.

Compulsory apprenticeship abolished. subject to a board of guardians under the provisions of the first-recited Act but it shall be lawful for the guardians of such union or parish respectively to bind any such poor child to be an apprentice, and in such case the inder tures of apprenticeship shall be executed by the said guardians, and shall need to be allowed, assented to, or executed by any justice or justices of the peace, and the guardians shall have all the powers for binding or assigning any such apprentice which are now possessed by overseers, and shall cause apprentices so bound or assigned by them to be registered by their cleacording to the form prescribed by the statute of the forty-second year the reign of King George the Third relating to the registration of parapprentices, so far as the same may be applicable to such binding or assignent: Provided always, that nothing herein contained shall directly or directly interfere with the provisions of any Act of Parliament relating apprentices to be bound to the sea service.

XIII. AND be it enacted, that after the passing of this Act so mu.... of any ... Act of Parliament, whether gene or local, as compels any person to receive any poor child as an apprentice, she and is hereby repealed.

XIV. AND whereas by the said first-recited Act it is provided, that in ev case of an election of guardians under the said Act, or whenever the cons of owners of property or rate-payers in any parish or union may be requi for any of the purposes of the said Act, the owner, as well as the rate-pay in respect of any property in such parish or union, shall be entitled to v and the owner shall have the same number and proportion of votes respective as is provided for inhabitants and other persons in and by an Act made passed in the fifty-eighth year of the reign of his late Majesty King Geo the Third, intituled "An Act for the regulation of parish vestries," and in by an Act to amend the same, made and passed in the fifty-ninth year of said late Majesty; and the rate-payers under two hundred pounds shall e have a single vote; and the rate-payers rated at two hundred pounds or m but under four hundred pounds, shall each have two votes; and the r payers rated at four hundred pounds or more shall each have three vo And whereas it is expedient that the number and proportion of votes of ow of property and of rate-payers respectively should be assimilated: B enacted, that so much of the said Act as is above recited relating to the number proportion of votes of owners of property and of rate-payers respectively shall be the same is hereby repealed; and that [Rep., Stat. Law Rev. Act, 1874 (No. in all cases in which by the said Act, or by any Act amending or extending same, owners of property and rate-payers are entitled to vote, every own property and rate-payer shall have respectively the same number and protion of votes, according to the scale following; (that is to say,) if the prop in respect of which he is entitled to vote be rated upon a rateable value of than fifty pounds, he shall have one vote; if such rateable value amour fifty pounds and be less than one hundred pounds, he shall have two vote it amount to one hundred pounds and be less than one hundred and pounds, he shall have three votes; if it amount to one hundred and pounds and be less than two hundred pounds, he shall have four votes; amount to two hundred pounds, and be less than two hundred and pounds, he shall have five votes; and if it amount to or exceed two hun and fifty pounds, he shall have six votes.

Repeal of so much of 4 & 5 Will. 4. c. 76. s. 40. as relates to number of votes of owners and rate-pavers. Owners of property and rate-payers to vote according to the scale herein set forth.

put to them or any of them touching the matter of any such objection; as such clerk shall retain in the said book the name of all persons to whom objection has been duly made, and of all persons objected to, unless the par objecting have appeared in support of his objection, and established su objection, and when the name of any person has been duly objected to su clerk shall require proof of the right of such person to vote as owner; and case any matter be adduced in support of the objection, and the right of person objected to be not proved to the satisfaction of such clerk, he sh expunge the name of such person from such book; and such clerk shall he power to adjourn from time to time, and administer an oath to the overseers any parish, and to all persons attending before him claiming a right to vote owners or objecting to such right, and to all witnesses who may be tender or examined on either side; and such clerk shall write his initials again every name struck out, and sign his name to every page of the said bo and the persons whose names as owners are retained by such clerk in s book shall be the only persons entitled to vote in such parish as owners property for the year following the twenty-fifth of March next ensuing Provided always, that the said commissioners may, if they see fit, by or under their hands and seal, direct the guardians of such parish or union appoint some person, other than the clerk to such guardians, as a paid offi to hear and decide the matter of such objections as aforesaid, who shall he all such powers as are herein-before given to the clerk, and perform all s duties as are herein-before imposed on the clerk in that behalf: XVI. AND whereas by the said first-recited Act it is provided that

person shall be deemed a rate-payer, or be entitled to vote, or do any of act, matter, or thing as such, under the provisions of that Act, unless he shave been rated to the relief of the poor for the whole year immediately ceding his so voting or otherwise acting as such rate-payer, and shall have the parochial rates and assessments made and assessed upon him for the per of one whole year, as well as those due from him at the time of so voting acting, except such as shall have been made or become due within six more immediately preceding such voting or acting: Be it enacted, that such parocrates and assessments shall be deemed to extend only to rates made for relief of the poor.

XVIII. And be it enacted, that it shall be lawful for the said com sioners, having due regard to the relative population or circumstances of parish included in a union, to alter the number of guardians to be elected such parish, without such consent as is required by the said first-recited A

XIX. And be it enacted, that in every case in which a parish in w guardians are to be elected under the provisions of the said first-recited contains more than twenty thousand persons, according to the enumeration

Payment of parochial rates required by 4 & 5 Will. 4. c. 76. s. 40. to extend only to poor rate.

Annual election of guardians to take place within forty days after the 25th of March. Number of guardians may be altered by commissioners with reference to population, without consent required by 4 & 5 Will. 4. c. 76. Parishes of more than

Relief to widows in certain cases. XXVI. And be it enacted, that in the case of any person being a widow having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in any union in which such parish is comprised, it shall be lawful for the guardians of such parish or union, if they see fit, to grant relief to such widow, although not residing in such parish or union: Provided always, that, notwithstanding any thing herein contained, the guardians of any union or parish, and the overseers of any parish, in which such widow may be resident or may require relief, shall be and remain liable to relieve such widow in the same manner as any other person requiring relief in such union or parish.

Guardians to apply money raised for

emigration.

Proviso.

XXIX. AND be it enacted, that the guardians of any parish or union constituted by the said commissioners shall apply all money raised or borrowed for the purpose of defraying the expences of emigration in such parish or in any parish within such union, subject to the conditions and restrictions imposed by the said first-recited Act.

Cost of obtaining sites of workhouses, or additions thereto, in the metropolitan police district, city of London, and parish of Liverpool.

XXX. And be it enacted, that in addition to the principal sum or sums of money which guardians are empowered by the said first-recited Act to raise or borrow for the purpose of purchasing, hiring, building, enlarging, or altering workhouses, or buildings to be converted into workhouses, the guardians of any parish or union any part of which is situated within the metropolitan police district, or the city of London, or the select vestry of the parish of Liverpool, may, with the consent of the poor law commissioners, also raise or borrow and charge the future poor rates of such parish or union with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required as the site of such workhouse, or of any additions to any such workhouse.

Burials of paupers.

XXXI. And be it declared and enacted, that it shall be lawful for guardians, or where there are no guardians for the overseers, to bury the body of any poor person which may be within their parish or union respectively, and to charge the expence thereof to any parish under their control to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be; and unless the guardians, in compliance with the desire expressed by such person in his lifetime, or by any of his relations, or for any other cause, direct the body of such poor person to be buried in the churchyard or burial ground of the parish to which such person has been chargeable (which they are hereby authorized to do), every dead body which the guardians or any of their officers duly authorized shall direct to be buried at the expence of the poor rates shall (unless the deceased person or the husband or wife or next of kin of such deceased person have otherwise desired) be buried in the churchyard or other consecrated burial ground in or belonging to the parish, division of parish, chapelry, or place in which the death may have occurred; and in all cases of burial under the direction of the guardians or overseers as aforesaid the fee or fees payable by the custom of the place in which the burial may take place, or under the provisions of any Act of Parliament, shall be paid out of the poor rates, for the burial of each such body, to the person or persons who by such custom or under such Act.

same being certified, to the person or persons authorized to receive the same: and if any such money, books, deeds, papers, goods, or chattels be not duly paid or delivered over as herein-before directed, the said auditor, or any auditor subsequently appointed, shall proceed, as soon as may be, to enforce the pay. ment or delivering over of the same; and all monies so certified to be due by such auditor shall be recoverable as so certified from all or any of the persons making or authorizing the illegal payment, or otherwise answerable for such monies, and shall be recovered on the application of such auditor, or of any such auditor subsequently appointed, or by any person for the time being entitled or authorized to receive the same, in the same manner as penalties and forfeitures may be recovered under the provisions of the said first-recited Act; and the expences attending such proceeding or recovery shall (except so far as the same may be paid by the person against whom the proceedings have been taken) be repaid to such auditor by the guardians of the parish or union, or by the district board of the district to which the proceedings may respectively relate, and shall be charged in their accounts in such manner and in such proportions as the said commissioners may direct; and if any person from whom any such books, deeds, papers, goods, or chattels may be due neglect or refuse to deliver over the same to the person for the time being entitled or authorized to receive the same, the person so neglecting or refusing shall be liable, on the complaint of any such auditor for the time being, or of the person entitled or authorized to receive the same, to the penalties and proceedings provided in the case of overseers refusing or neglecting to pay and deliver over to their successors any sum or sums of money, goods, chattels, and other things, in their hands; and any churchwarden, surveyor of the highways, overseer, or other officer of a parish or union, who shall wilfully authorize or make an illegal or fraudulent payment from the church rate, highway rate, or other public fund of a parish or union, or shall unlawfully make any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the poor rate, or disallowed or surcharged in the accounts of any parish or union by such auditor, shall, upon conviction thereof before any two justices, forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount of such payment or of the sum so entered in his accounts.

Penalty on officers wilfully authorizing or making illegal payments or entries,

Rate books, &c. to be made up seven days before the audit day.

Notice of time and place of audit.

Inspection of books.

XXXIII. And be it enacted, that seven clear days at least before the day fixed for the audit of accounts the overseers or other officers employed in any parish in carrying the laws for the relief of the poor into execution, and every collector or assistant overseer acting for such parish, shall cause their rate books and other accounts to be made up and balanced; and the books so made up shall forthwith be deposited at the house within the parish of some one of such overseers or other officers, or of such collector or assistant overseer, or at some other house within the parish; and notice shall forthwith be affixed at the usual place or places of giving parish notices, stating the time and place of audit, as notified by the auditor, and the place where the books are deposited; and such books shall on each of such days be open between the hours of eleven and three for the inspection of every person liable to be rated to the relief of the poor; and such auditor shall give or send by post or otherwise to the said overseers or other officers fourteen days notice of the said audit; but it shall

court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said court make any order to the contrary; and that on the removal of such allowance, disallowance, or surcharge the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the court, order the costs of the person prosecuting such certiorari to be paid by the parish or union to which such accounts relate, as to such court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

Or persons aggrieved may apply to commissioners, who may issue orders for determining questions.

XXXVI. Provided always, and be it enacted, that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of certiorari, to apply to the said commissioners to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said commissioners to issue such order therein, under their hands and seal, as they may deem requisite for determining the question.

Accounts to be rendered when commissioners direct, not less often than half-yearly. XXXVIII. And be it enacted, that so much of the said first-recited Act as provides that accounts shall be made and rendered not less frequently than once in every quarter shall be and is hereby repealed; and such accounts shall be made and rendered at such times and as often as the said commissioners may direct, but not less often than once in every half year.

Taxation and allowance of law bills by clerk of the peace or his deputy. XXXIX. AND be it enacted, that on application of any overseer, or of any board of guardians, or of any attorney at law, it shall be the duty of the clerk of the peace of the county or place, or his deputy, if thereunto required, to tax any bill due to any solicitor or attorney in respect of business performed on behalf of any parish or union situate wholly or in part within such county or place; and the allowance of any sum on such taxation shall be prima facie evidence of the reasonableness of the amount, but not of the legality of the charge; and the clerk of the peace shall be allowed for such taxation after the rate to be fixed from time to time by the master of the Crown Office, and declared by an order of the said commissioners; and if any such bill be not taxed before it is presented to the auditor, the auditor's decision on the reasonableness as well as the legality of the charges shall be final.

Allowance for taxation.

XL. AND be it enacted, that it shall be lawful for the said commissioners, as and when they may see fit, by order under their hands and seal, to combine unions, or parishes not in union, or such parishes and unions, into school districts, for the management of any class or classes of infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district; but the said commissioners shall not include in any such

Parishes and unions may, within certain limits, be combined into school districts. Alteration of districts.

Regulation of proceedings and officers of district boards.

Appointment of chaplains for school districts. Rules for schools and asylums.

Proviso as to attendance at religious worship and religious instruction.

Visitation of schools and asylums by ministers not of Established Church.

Inspection of schools.

Powers of district board for purchasing and hire of land, &c.

proper, for the purpose of being used or rendered suitable for the relief and management of the poor to be received into such school or asylum; and the said commissioners may, , alter the district for which such district board was originally constituted, by adding thereto or taking therefrom any parish or parishes, union or unions, as aforesaid; and the said commissioners shall have the same powers for regulating the proceedings of any district board or of any committee thereof, and for directing and regulating the appointment, duties, remuneration, and removal of paid officers to be appointed by any district board, as they have with respect to the proceedings of boards of guardians, or with respect to paid officers to be appointed by any board of guardians; and every such board for a school district shall appoint, with the consent of the bishop of the diocese, at least one chaplain of the Established Church as one of the paid officers aforesaid, who shall be empowered to superintend the religious instruction of all the infant poor being under the control of such district board; and it shall be lawful for the said commissioners to issue rules and regulations for the government of any such school or asylum, and the inmates thereof, as if such school or asylum were a workhouse; and any orders or regulations of the said commissioners made in pursuance of this Act shall be enforced in the same manner and by the same penalties as if the same were an order or regulation made in pursuance of the said first-recited Act: Provided always, that no rules, orders, or regulations of the said commissioners, nor any regulations made by such district board, shall oblige any inmate of any such school or asylum to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or surviving parent may object, or, in the case of an orphan or deserted child, to which his next of kin may object: Provided also, that it shall be lawful at all reasonable times of the day, according to rules and regulations to be made for this purpose by the said board, for any minister of the religious persuasion professed by an adult inmate, or of the religious persuasion in which any child has been brought up, or in which the parents, or surviving parent, or next of kin, as the case may be, may desire such child to be instructed, to visit the school or asylum, at the request of such adult inmate, for the purpose of affording to him religious assistance, or to visit such child for the purpose of instructing such child in the principles of his religion: Provided also, that it shall be lawful at all times for any inspector of schools appointed by her Majesty in council to visit such schools, and to examine into the proficiency of the scholars therein.

XLIV. AND be it enacted, that for the purpose of providing a building for such school or asylum it shall be lawful for such district board, subject to the order of the said commissioners, to exercise the powers given to boards of guardians by the said first-recited Act or any other Act or Acts for the purchase and hire of lands and buildings, and to borrow, in like manner as is provided in the said first-recited Act or in any other Act or Acts, such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing such building or buildings as aforesaid, and to charge the future poor rates of the parishes or uniors, or parishes and unions, so combined as aforesaid, with the payment of

averages last declared for every such union, and by such parishes in the proportion of the average expenditure of every such parish for the like period and purposes as those to which the declared averages of such unions shall relate; and the said commissioners shall from time to time, by order under their hands and seal, ascertain and declare the proportion and rates of contribution in the above respects of every such parish and union; and that all other expences incurred in the relief of the children under the management of such district board shall be separately charged by such district board to the parish or union from which each such child may be sent.

Distribution of charges for district asylums.

XLVIII. And be it enacted, that the expences incurred by every such district board in the purchase or hire of any building or buildings, or in erecting, repairing, adding to, or fitting up any building as an asylum, and in the purchase of utensils and materials for the employment of the inmates of such asylum, and other objects and things necessary for the relief of such inmates, and the salaries of the officers and servants of the establishment, and all other expences incurred by such district board in the relief of the poor, or in the management of such asylum, or incidental to the discharge of the duties of such district board, shall be charged by such district board upon the parishes or unions, or parishes and unions, comprised in such district, in proportion to the annual value of messuages, lands, tenements, and hereditaments upon which such parishes and the parishes combined in such unions are respectively assessed to the county or borough rate, or other rate in the nature of a county or borough rate; and where any parish or place comprised in such district does not contribute in respect of the whole thereof to any county or borough rate, the said expences shall be paid by such parish or place in proportion to the net annual value of all the property therein assessed to the rates for the relief of the poor; and any information necessary for the distribution of such charge shall be furnished, on demand of such district board or of the said commissioners, by every parish officer, and by every clerk of the peace, town clerk, or other like officer of any county, city, town, or borough, or other place raising rates in the nature of county or borough rates.

Appointment, &c. of auditors for district boards. XLIX. AND be it enacted, that the poor law commissioners shall appoint some person, being at the time the auditor of some parish or union situated within the district for which any district board for any school or asylum may be appointed, who shall be the auditor of such district, and shall be empowered and required to audit the accounts of each district board, and of the officers of such district board; and the salary of every such auditor of a district shall be paid by the district board thereof; and the said commissioners shall have the same powers for regulating the duties and remuneration of such auditors as they have with respect to paid officers appointed by any board of guardians; and it shall be lawful for the said commissioners, as they may see fit, to

Is The portion of section 47 inclosed in Brackets, providing for the contributions of the unions and parishes comprised in any school district, is rep., 13 & 14 Vict. c. 11. s. 1.; and so much of section 47 of this Act, and of the Act 13 & 14 Vict. c. 11., as provides for payment by unions as herein and therein mentioned of expenses incurred by any district board in the purchase or hire of any land or buildings for a school, or in erecting, repairing, adding to, or fitting up any building, and the salaries of the officers and servants of the establishment, and other common charges of the school, is rep., 30 & 31 Vict. c. 6. s. 47., as far as those provisions relate to a district in the metropolis as defined by that Act.

Police to conduct poor persons to asyluma.

Book to be signed by police.

district; and it shall be lawful for any constable of the metropolitan police, or of the police of the city of London, or any constable of the police acting under the chief constable of any county, district, or division, or any constable of the city, towns, or boroughs respectively named in the schedule marked (B.) annexed to this Act, personally to conduct any such poor person found wandering abroad within any district to any asylum established in such district in pursuance of this Act, and such poor person shall, if there be room in such asylum, be temporarily relieved therein; and the serjeant of police or constable conducting such poor person shall sign his name in a column, headed to the following effect, in a book to be kept, in such form and manner as the said commissioners may from time to time direct, by some officer of every such asylum, in which shall be entered the alleged names of all poor persons admitted:

TIVE, the undersigned constables of the metropolitan police [or of the police of the city of London, or constable, &c., as the case may be], do ' severally declare, so far as each of us is concerned therein, that we have con-' ducted the poor persons (whose alleged names are set opposite our respective ' signatures) to the asylum of district, the said poor ' persons having been by us found wandering abroad, and apparently destitute, ' and not having committed or being charged with any offence punishable by ' law, within our knowledge.'

Regulations with respect to poor persons admitted into

asylums.

And every such book, purporting to be signed and to be certified at the foot of the page by the officer keeping the same, shall be received in all courts of justice as sufficient evidence of the fact that the poor persons described therein were chargeable to the said district at the time of their admission, and, if not contradicted by other evidence, of such other particulars as are therein duly recorded; and all poor persons admitted into any such asylum shall, if they desire it, be relieved with food and lodging for the night succeeding such admission; but no such poor person shall be detained against his will for any longer space of time than until the ordinary hour of breakfast of the day next succeeding his admission, and four hours afterwards, unless such poor person, since his admission, have become lawfully punishable for misbehaviour within such asylum, in which case it shall be lawful to detain such poor person for a space of time sufficient for such punishment; but no poor person shall be punished for any offence or misbehaviour in any asylum by confinement for any longer space of time than twenty-four hours, and such longer space of time as may be necessary in order to have such person before a justice of the peace; and if any poor person so admitted as aforesaid shall be disabled by sickness, or shall be unwilling to depart from such asylum, he may receive relief therein, if he consent to remain, and conform to the rules of the house, until the next meeting of the district board or of some committee, (which such district board, subject to the rules of the said commissioners, is hereby authorized to appoint,) who shall give such directions respecting such poor person as they may deem right, by discharging him from such asylum, with a direction to apply for relief in the district where he has dwelt, or otherwise as to them may seem fit: Provided always, that, except under a medical certificate of sickness, it shall not be lawful for the officers of any such asylum to relieve any poor person for a longer period continuously in such asylum than is sufficient to enable his case to be decided by the district board or committee be deemed to be situate in every parish of an union, &c. Registry of births and deaths therein. union or parish, and every such district school, shall be considered as situated in the parish to which each poor person respectively to be relieved, removed, or buried, or otherwise concerned in any such purpose, is or has been chargeable: Provided always, that every birth and death within any such workhouse or building shall be registered in the parish or place in which such workhouse or building is locally situated; and all fees for registering births and deaths in any such workhouse or building shall be charged by the guardians to the parish or union to which the person dying or the mother of the child respectively is chargeable.

Committal of offenders in workhouses to the gaol of the place to which the offenders belong.

belong.

Cost of removal thither.

27 Geo. 2. c. 8.

55 Geo. 8. c. 137.

LVII. And be it enacted, that if any person be convicted before any justice or justices of any offence committed in any workhouse, while maintained therein, or of absconding from any workhouse, and carrying away clothes or other property therefrom, and be liable to be committed for such offence to any gaol or house of correction, it shall be lawful for the justice or justices before whom such person is convicted to commit such person to the common gaol or house of correction of the county or place in which the parish is situated to which such person at the time of the commission of the offence was chargeable, notwithstanding that such workhouse may not be situated in such county or place, and notwithstanding that such justices may not be justices of such county or place; and if such person have not goods or money within such county or place sufficient to bear the charges of himself and those who convey him, then such charges shall be defrayed at the expence of the county, place, or parish, according to the provisions of an Act passed in the twenty-seventh year of the reign of King George the Second, intituled "An " Act for the better securing to constables and others the expences of conveying " offenders to gaol; and for allowing the charges of poor persons bound to give " evidence against felons"; provided that in cases of such conviction and committal as aforesaid all further proceedings in respect thereof may be taken, and the costs and charges of such proceedings, and for the maintenance of such offender in such gaol or house of correction, shall be payable, in like manner and under the like authority as such proceedings would have been taken, or as such costs and charges would have been payable, in case the offence had been committed within the parish or place to which such offender was chargeable at the time when he committed such offence.

LVIII. And whereas by the said Act passed in the fifty-fifth year of the reign of King George the Third, it is enacted, that if any person or persons shall desert or run away from any workhouse or workhouses, and carry away with him, her, or them any clothes, linen, or other goods as aforesaid, such person or persons, being thereof lawfully convicted, either by the confession of such party or parties, or by the oath or oaths of one or more credible witness or witnesses, before any justice or justices of the peace, shall by such justice or justices of the peace be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprize for the space of three calendar months; and it is further enacted, that in case any person or persons maintained in any public workhouse or workhouses established for the relief, maintenance, and employment of the poor shall refuse to work at any work, occupation, or employment suited to his, her, or their age, strength, and capacity, or shall be guilty of drunkenness or other misbehaviour, every such person or persons,

to the like approval of the poor law commissioners, charge such expensioner to the funds of the whole of such district or on any one or more of unions and parishes comprised therein.

Expences of jury lists under 6 Geo. 4. c. 50. and of boundaries of parishes may be paid out of poor rates.

LX. And be it enacted, that the costs, charges, and expences propincurred by the officers of the parish in making out, preparing, printing, collecting the lists of persons qualified to serve on juries, according to provisions of the Act in the sixth year of the reign of his Majesty King Gethe Fourth, intituled "An Act for consolidating and amending the "relative to jurors and juries," and relating thereto, shall be paid and allo to them out of the poor rates of the parish, together also with all experimental properly incurred by the same officers on the perambulation of the parish, provided that such perambulations do not arise more than once in eithree years.

2 & 3 Vict. c. 84.

LXI. And whereas by an Act passed in the third year of the reign of Majesty Queen Victoria, intituled "An Act to amend the laws relating to " assessment and collection of rates for the relief of the poor," it was and other things enacted, "that all orders heretofore made and issued under " hands and seals of the poor law commissioners, and not rescinded by " or quashed before the sixth day of May in the present year, by which " said commissioners may have directed the overseers or guardians of " parish or union to appoint any person to collect the rates for the reli " the poor in any parish or parishes, or shall have defined or specific " directed the execution of the duties of such person, or the places or l " within which the same shall be performed, or shall have directed the " of appointment, or determined the continuance in office or dismissal of " such person from his office, or the amount or nature of the security " given by any such person, or shall have regulated the amount of s " payable to any such person, or the time or mode or the proportions of " ment thereof, shall be deemed and the same are hereby declared to have " same force and validity as if the same had been warranted by an Act p " in the fourth and fifth years of the reign of his late Majesty King W " the Fourth, intituled 'An Act for the amendment and better administ " 'of the laws for the relief of the poor'; and the commissioners shall " the same powers and authorities with respect to all such orders, and " persons appointed in pursuance thereof, as they have with respect to " made and issued, and the paid officers appointed, under the provisions

4 & 5 Will. 4. c. 76.

"any such order of the said commissioners shall have the like p
"authorities, privileges, immunities, protections, and remedies, in and f
"performance of his duty under such order, as are by law given to ove
"of the poor in the performance of the like duty"; and it is expedien
such collectors should in certain cases be invested with other of the du
overseers of the poor: Be it enacted, that the inhabitants in vestry asse
of any parish situated within the district for which any collector or ass
overseer appointed under any order of the said commissioners now act
appoint such collector or assistant overseer to discharge all the duties
overseer of the poor, in addition to those of collector of poor rates for
parish, and in the same manner as if he were appointed thereto as an assistant.

" said Act; and that every person appointed by guardians of the poor

Collectors or assistant overseers appointed under order of commissioners may be appointed to discharge or security was given, or the addition of any parish to or the separation of any parish from such union since the giving of such security.

LXII. AND be it enacted, that if the board of guardians of any parish or union make application to the said commissioners to direct the appointment of a paid collector of the poor rates in such parish or union, or in any parish or parishes of such union, it shall be lawful for the said commissioners, by order under their hands and seal, to direct the said board of guardians to appoint such a collector; and the said commissioners shall have the same powers with respect to such collectors as are given to them by the said first-recited Act with respect to paid officers; and all powers of the inhabitants of any parish in vestry assembled, or of justices of the peace, or of any persons, other than the board of guardians of such parish or union, to appoint any collector for any such parish as aforesaid, and (except when otherwise directed by the said commissioners) all appointments under such powers, shall cease.

LXIII. AND be it enacted, that if the overseers of any parish wilfully neglect to make or collect sufficient rates for the relief of the poor, or to pay such monies to the guardians of any parish or union as such guardians may require, and if by reason of such neglect any relief directed by the board of guardians to be given to any poor person be delayed or withheld during a period of seven days, every such overseer shall upon conviction thereof forfeit and pay for every such offence any sum not exceeding twenty pounds.

LXIV. And be it enacted, that the guardians of every parish or union acting under any local Act for the relief of the poor shall hold their meetings once in every fortnight, or oftener, and in all matters concerning the relief of the poor shall act as a board at a meeting, and not individually; and whenever under any such local Act there is no person particularly designated or authorized to act as chairman, such guardians shall elect and appoint annually, and from time to time as vacancies may occur, a chairman and vice chairman of such board, and shall at any meeting at which no chairman or vice chairman is present elect a temporary chairman to preside at that meeting: 7Provided always, that when the relief of the poor has been hitherto administered in any parish by guardians appointed under a local Act, and not by overseers of the poor, if such parish, according to the last enumeration of the population published by authority of Parliament, contain more than twenty thousand persons, it shall not be lawful for the said commissioners, after the passing of this Act, without the consent in writing of two thirds at least of such guardians, to declare such parish to be united with any other parish for the administration of the laws for the relief of the poor, any thing in the said first-recited Act to the contrary notwithstanding 7; provided, however, that nothing herein contained shall prevent the said commissioners from including any such last-mentioned parish in a district for providing and managing an asylum for the temporary relief of and setting to work of destitute houseless poor, or from including such parish in a district for the audit of accounts, under the provisions of this Act, except as herein-after enacted.

ILXV. Provided always, and be it enacted, that where any parish which is not governed by a board of guardians constituted under the said first-

[2 So much of section 64 as prevents the union of parishes governed by local Acts, without consent of the guardians, and section 65, are rep., 30 & 31 Vict. c. 6. s. 78., so far as they relate to the metropolis as defined by that Act.]

Poor law commissioners, on application of board of guardians, may direct appointment of paid collector of poor rates.

Other powers of appointment to cease.

Penalty on overseers neglecting to obtain a supply of funds for the relief of the poor.

In what manner guardians under local Acts shall conduct their proceedings.

Parishes with guardians under local Acts, with a population exceeding 20,000, not to be united without consent of guardians;

except for providing asylums for destitute houseless poor, and for audit of accounts.

Parishes, with a population exceeding boards of guardians, although no certified attornies, notwithstanding 6 & 7 Viet. c. 73.

Certificates of chargeability according to form in schedule (C.) Admission of documents in evidence. first-recited Act or under any local Act, or to any district board, if duly empowered by such board, to make or resist any application, claim, or complaint, or to take and conduct any proceedings on behalf of such board before any justice or justices of the peace at petty or special sessions or out of sessions, although such clerk or officer be not an attorney or solicitor, or have not obtained a stamped certificate in pursuance of the provisions of the said Act.

LXIX. And be it enacted, that it shall be lawful for any board of guardians or district board, at any meeting thereof, to make a certificate in the form or to the effect contained in the schedule of this Act marked (C.), and that every such certificate, and every copy of a minute of any order, complaint, claim, application, or authority of any such board of guardians or district board, purporting respectively to be signed by the presiding chairman of such guardians or district board, and to be sealed with their seal, and to be countersigned by their clerk, shall, unless the contrary be shown, be taken to be sufficient proof of the truth of all the statements contained in such certificate, and of the directions respecting such order, complaint, claim, or application having being given as alleged in the copy of such minute, and shall be received in evidence accordingly by and before all courts of justice and all justices, without any proof of the signatures or of the official characters of the persons signing the same, or of such seal, or of such meeting; and that for the purpose of making any order of removal or other order no further or other evidence of chargeability than such certificate shall be required, provided that every such order bear date within twenty-one days next after the day of the date of such certificate.

Justices at petty sessions, or out of sessions, may summon witnesses, and compel them to attend and give evidence.

LXX. And be it enacted, that in any proceedings to be had before justices in petty or special sessions, or out of sessions, under the provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any party to such proceedings request that any person be summoned to appear as a witness in such proceedings, it shall be lawful for any justice to summon such person to appear and give evidence upon the matter of such proceedings; and if any person so summoned neglect or refuse to appear to give evidence at the time and place appointed in such summons, and if proof upon oath be given of personal service of the summons upon such person, and that the reasonable expences of attendance were paid or tendered to such person, it shall be lawful for such justice, by warrant under his hand and seal, to require such person to be brought before him, or any justices before whom such proceedings are to be had; and if any person coming or brought before any such justices in any such proceedings refuse to give evidence thereon, it shall be lawful for such justices to commit such person to any house of correction within their jurisdiction, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such justice shall be a sufficient warrant for the discharge of such person.

LXXI. AND whereas it is provided by the said first-recited Act that all rules, orders, and regulations made by the said commissioners under the authority of the said Act shall be as valid and binding, and shall be obeyed and observed, as if the same were specifically made by and embodied in the said Act; but no sufficient provision is made for bringing such orders to the

"clerk of the peace" shall be taken to mean the clerk of the peace or other officer discharging any of the duties of clerk of the peace for any country division of a country, riding, borough, liberty, division of a liberty, precinct country of a city, city, country of a town, town, cinque port, or town corporate and the words "licensed minister" in the said first-recited Act, and "minister in this Act, shall be construed to mean and include every person in holy order and also every person teaching or preaching in any congregation for religion worship whose place of meeting is certified and recorded according to law and, except where it is otherwise expressly provided, all provisions in any A now passed or hereafter to be passed, relating to the officers of boards guardians constituted under the provisions of the said first-recited Act, or the workhouses under the management of such guardians, shall apply to officers appointed by any district board, and to all workhouses under the management of any district board.

Provisions as to officers, &c. of guardians to apply to officers, &c. of district boards.

Act limited to England and Wales.

LXXV. AND be it enacted, that this Act shall extend only to England a Wales.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (B.)

City, Towns, and Boroughs.

LIVERPOOL.

MANCHESTER.

BRISTOL.

LEEDS. BIRMINGHAM.

SCHEDULE (C.)

THE board of guardians of the poor of the union [or part of] do hereby certify, that on the day of A.B. and his wife C.B., and his child E.B., became chargeable to the part of in the said union [or to the said union].

In testimony whereof the common seal of the said guardians is herewaffixed at a meeting of their board this day of 18

a meeting of their board this day of 18
(L.S.) (Signed) W.J., presiding chairman of the said Board
(Countersigned) C.D., clerk [or acting as clerk] to
board of guardians of

and such default shall be reported by the foreman to the Court of Quee Bench, and unless the same shall be excused on the ground of illness, or of good and substantial reason, to the satisfaction of the court, such fine a penalty shall be by the said court confirmed and declared absolute, recovered and applied in the same manner as fines and penalties imposed jurors for any defaults or misbehaviour may now by law be recovered applied; and if the foreman shall fail to call over the jury at the times her before appointed, or to report the absence of any juror upon such call, he s incur a penalty of forty shillings for each such default, to be in like man recovered and applied: Provided always, that nothing herein contained a limit or affect the authority of the said court to enforce the attendance of grand juror as said court may now enforce such attendance.

Appointment of county officers.

Grand jury shall appoint secretary.

IV. And be it enacted, that upon the death, resignation, or removal of present secretary of the grand jury it shall be lawful for the grand jury at such presenting term to appoint a proper person to act as their secretary; the present secretary of the grand jury, or any secretary who shall be appoi hereafter under the provisions of this Act, shall continue to act as such he shall be removed by the grand jury, or until another person, duly quali shall be in like manner appointed; and if any person appointed secretary: happen to die, the clerk of the peace or his known deputy is hereby requ to act as such until the last day of the ensuing presenting term; and for performing all and singular the duties of such secretary such clerk of the p or his said deputy shall be entitled to receive a rateable proportion of salary of such secretary for the time during which he shall have perform such duties; but in case of the illness of the secretary it shall and ma lawful for such secretary to appoint a deputy, for whom he shall be responand who shall perform the duties of said secretary during his illness: Prov always, that it shall not be lawful to appoint or continue joint secretarion more than one person as secretary in the said county.

Secretary
shall not be
also the clerk
of the peace,
&c.

Penalty for neglect of duty. V. And be it enacted, that it shall not be lawful for the same person appointed, after the first day of January one thousand eight hundred forty-five, secretary of the grand jury and clerk of the peace, or clerk of crown, or treasurer of any county, or collector of grand jury cess, or inspof gaols; and in case the secretary of the grand jury shall at any time ror neglect to perform any of the duties imposed upon him by the provision this Act, such secretary, being convicted thereof before the judge of the of Queen's Bench, shall for such refusal or neglect forfeit any sum not exceptify pounds, at the discretion of such judge; and no presentment shamade of any salary to him.

Lord lieutenant in council shall require grand jury to divide the county into road districts, and fix salaries of surveyors.

Grand jury shall fix boundaries of districts. VI. AND be it enacted, that it shall be lawful for the lord lieutenar order in council, at any time and from time to time hereafter, to require direct the grand jury of the said county, at the Easter or Michaelmas next following the making of such order, to divide the said county in many road districts as in and by such order shall be directed, or to alter districts, and fix and declare the salary of the surveyors to be appointed each district, and the scale by which such salary shall be at any time mented; and the said grand jury shall thereupon declare and defin presentment the boundary of each such district, and set forth the town or denominations to be contained therein; provided, however, that no be

nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on a matters and things relating to the office of surveyor, or which may be given thim in charge by the grand jury or finance committee.

Surveyors may be dismissed by lord lieutenant or grand jury.

Appointment of deputies.

On death, resignation, or dismissal of present collectors, grand jury shall appoint collectors for each barony.

Appointment of collectors pro tempore.

Collectors shall enter into security.

Grand jury to fix the poundage to be allowed.

Proviso.

IX. And be it enacted, that any surveyor appointed under this Act me be at any time suspended or dismissed or his salary withheld for neglect misconduct, at the pleasure of the lord lieutenant of Ireland, or by the grangiury at any presenting term; and in such case, and on every other vacant however occasioned, the grandigury at the next presenting term shall appoin a successor from and out of the persons who shall be from time to the certified to be qualified as aforesaid: Provided always, that in case of indeposition or other unavoidable cause, proved on oath to the satisfaction of the grandigury or of any three justices of the peace for the said county, surveyor may depute another person, duly certified as herein-before me tioned, to act for him; and such deputy shall be removable in like manner his principal.

X. And be it enacted, that upon the death, removal, or resignation of a of the present collectors the grand jury of the said county shall at any p senting term appoint a proper person, not being a magistrate or attorney be collector for each barony in such county, to collect all money which s be presented to be raised on such barony or any parish or townland ther and also the proportion which such barony may be liable to pay towards money presented to be raised on the county at large; and every such colle shall have all power and authority and shall exercise and perform all du now or hereafter to be by law required of any high constable or collect Provided always, that if any such collector shall happen to die before he s have collected the whole of the money presented to be raised as aforesaid such barony for which he shall be collector, or if any case of vacancy sh occur, or if any collector shall become incapable of performing his duty illness or otherwise, it shall be lawful for the finance committee for the county to appoint another fit and proper person to be collector protem until a collector shall be appointed by the grand jury as aforesaid.

XI. Provided always, and be it enacted, that no person shall act as colle unless he shall have given security before the acting foreman of the g jury at some presenting term, or before some justice of the peace, being member of the finance committee (if such collector shall have been appoint by the finance committee), by two sufficient sureties, to be approved of by grand jury or finance committee, joining with him in executing a bond warrant of attorney, without stamp, to confess judgment to the secretar the grand jury, conditioned for his duly collecting and paying into the l of Ireland, to the credit of the finance committee, from time to time, so as he shall continue collector, or till the grand jury shall otherwise determined the shall continue collector. all such public money as he is or shall be required to collect, and that shall at no time retain in his possession a larger sum than one hundred pou and it shall be lawful for the grand jury to fix a sum not exceeding shilling in the pound on the amount of the collection to be paid to es the present collectors for his trouble therein, and a sum not exceeding pence in the pound on the amount of the collection to be. paid to collector hereafter to be appointed for his trouble therein: Provided alv the whole sum required for such purpose, and to direct in and by such present ment that the same shall be raised off the county by such half-yearly sum or instalments, and in such proportions, as to such grand jury may see expedient, and the same shall be so raised accordingly: Provided always, the it shall be lawful for any subsequent grand jury to present that any of the said instalments shall be increased to any sum that shall be found necessary or proper.

Sufficient and commodious sessions houses to be provided.

XIV. And be it enacted, that if, in any town or place at which the le lieutenant hath directed or may hereafter direct that a quarter sessions of t peace, or any adjournment thereof, shall be holden for the despatch of civil criminal business, there be not a sufficiently commodious or convenient session house, it shall be lawful to and for the said lord lieutenant to direct a architect or engineer as he shall deem advisable to prepare such specification maps, plans, sections, and elevations as may be necessary for the erection of sessions house, therein expressing the nature and probable expence of works, and the materials proper to be employed, and the same shall delivered to the secretary of the grand jury, who shall lay the same, toget with the copy of the warrant of the lord lieutenant, before the grand jury the presenting term next after the time at which he shall receive the same and the grand jury shall examine such specifications, maps, plans, sections, elevations, and such others as may be laid before them, and either adopt same, or make such alterations therein as they may think proper, or reject same, and shall present that a proper and sufficient sessions house shall provided or built in such town or place within the period of one year f the last day of such presenting term, and that a sum not exceeding thousand pounds shall be levied off the county for that purpose at one t or by instalments to be completed within the period of five years; and architect or engineer shall thereupon prepare a proper form of tender for execution of such work, and shall deliver the same to the secretary of grand jury, who shall forthwith advertise for tenders for the execution the and shall lay the same, together with the presentment, and the specificat maps, plans, sections, and elevations, as approved of by the grand jury, the tenders for execution thereof, before the next adjourned present sessions holden for the county at large; and the tenders that shall be mad the execution of such works shall be opened at such sessions, and dealt in all respects in like manner as any other tender for a work approved of presented is: Provided always, that if such presentment shall not be n and a valid contract for executing such work shall not be entered into, wi the period of two calendar months from the last day of the presenting in which such warrant shall have been laid before the grand jury, it sha lawful for the lord lieutenant to direct the commissioners of public work Ireland to build or provide such sessions house; and on the production to grand jury at any presenting term of the certificate of the secretary of commissioners that a sum not exceeding the sum of one thousand pounds been expended in building such sessions house and purchasing a site for same, or for either of such purposes, the grand jury shall and they are he required to present the sum so certified to be levied off such county in payment, and to be paid to the secretary of the said commissioners, in sati tion of the sum so expended: Provided also, that in case the said commission

Commissioners of public works to build sessions houses in certain cases. every part thereof respectively, and for obtaining the full possession and seising thereof, and a good title thereto, in the said commissioners, and with an subject to all the same rules, regulations, conditions, and jurisdictions as in the said Act provided concerning any premises to be purchased by such valuation under the aforesaid Act of the seventh year of his late Majesty reign; and the said commissioners shall in that behalf have, possess, an exercise all and every the like powers and authorities as by the said Act are granted to and vested in the commissioners therein mentioned; and it shall be lawful for any such or any subsequent grand jury to present the sum agreed upon or fixed as the purchase money of such premises, and the constitution of the processes, to be levied off such county, either at one time or the half-yearly instalments, in such manner as they may think proper; and suppresentment may be made without any previous application to any presentment sessions.

Presentment for rent of court and sessions houses. XVII. AND be it enacted, that it shall be lawful for the grand jury of t said county, and they are hereby required, to present at each presenting ter without previous application at presentment sessions, to be raised upon su county, all such sum or sums of money as shall be necessary for paying su rent or rents of any court house or sessions house, or their appurtenance respectively, as now are or shall at any time hereafter be payable for t same.

Sale of old court houses.

XVIII. And be it enacted, that it shall be lawful for the commission appointed as aforesaid by any grand jury of the said county to sell a dispose or to authorize the sale and disposal of any old court house or session house belonging to the said county in which the sessions have been disc tinued or have ceased to be held, together with the ground or site on who the same is built, according to the title or interest which the county in have in the same, and also to sell and dispose of or to authorize the sale a disposal of all or any part of the materials of which such old court house sessions house may be composed; and the money arising therefrom shall paid to the credit of the finance committee of such county, and applied defray the purchase money of any premises required for the erection of any or such of the court house, or to the erection of such new court house, or such of

Application of proceeds of sale.

purposes connected with the county at large as any other public money rai off such county, and coming to the credit of such finance committee, may applied.

Presentment for fuel, &c. for court houses. XIX. And be it enacted, that it shall be lawful for the grand jury of said county, at any presenting term, without any previous application presentment sessions, to present, to be levied off such county at large, a reasonable sum or sums as they shall think proper for providing fuel or lifer each and every or any court house or sessions house in or belonging such county; provided that no sum so presented shall be paid by the final committee of such county until the person to whom any such sum so to presented for fuel shall be payable under such presentment shall prove, to satisfaction of the said finance committee, by an affidavit sworn by him become justice of the peace, or by other evidence, that the sum required to paid hath been duly expended in the purchase of fuel for the use of such consume or sessions house, pursuant to such presentment, and that the whole such fuel hath been consumed in the said court house or sessions house, and

ment of all monies raised by virtue of any presentment for such fever hospi or dispensary, as well as of all monies actually received from private subscr tion or donation for the use of such fever hospital or dispensary, since date of such last application or establishment, shall have been laid before presentment sessions ensuing the disbursement thereof, and such certificate account, verified upon the oath of such treasurer, shall, together with application for a presentment for such fever hospital or dispensary, have b allowed and approved of at such sessions, it shall be lawful for the grand j of the said county at any presenting term to present, to be raised off the county, or any barony or baronies thereof, as to such grand jury shall s fit, in case of a fever hospital a sum not exceeding double the amount, and the case of a dispensary a sum not exceeding the amount, of such private scriptions or donations so received, to be paid to the treasurer of such f hospital or dispensary, and applied, (under the direction of the subscriber any annual sum of not less than one guinea, or such committee of them, fewer in number than five, as they shall appoint for that purpose at general meeting of such subscribers,) together with the monies received private subscription and donation, in fitting up and supporting such hospital or dispensary, and in providing medicine and medical and surgical for the poor of such place and its neighbourhood: provided also, that no such presentment shall be made unless it shall a by the certificate of such treasurer, verified as aforesaid, that the me attendant, if appointed after the first day of January one thousand hundred and forty-five, resided since the creation of such dispensary or hos or since the last presenting term, (as the case may be,) at or within one st mile of such dispensary or hospital.

Presentment for erection of fever hospitals.

XXIV. And be it enacted, that whenever it shall be made appear by s ment on oath to the grand jury of the said county that there has been ac received from private subscriptions or donations any sum or sums of n for the purpose of erecting any house to be applied to the reception of patients, and either connected with any local dispensary or not, as the may happen, and upon a certificate by one or more physicians that there necessity for providing accommodation for such patients, it shall and m lawful for such grand jury to present, to be raised off such county at any sum not exceeding double the amount of the sum or sums so rais donation or subscription, and actually received by the treasurer, to be a together with the monies so received by private donation or subscripti erecting such house for fever patients, in such manner as the subscribers sum not less than one guinea, or such committee of them, not fewer tha as they shall appoint for that purpose at any general meeting of suc scribers, shall in their discretion deem most advisable: Provided always the affidavit and certificate herein mentioned shall, together with the a tion for such presentment, have also been laid before the presentment se and approved thereat: Provided also, that an account of the receip expenditure of such fever hospital from the time of its establishment time of the first presentment required, and afterwards from the time o presentment required till the time when any further presentment is rec shall, together with an application for the sum so proposed to be present laid before the presentment sessions to be holden under this Act f out of consolidated fund for lunatic asylums. provisions of the said last-recited Act, or any Act amending the same, has ordered and directed any sum or sums of money to be advanced, issued, at paid, out of the growing produce of the said consolidated fund arising Ireland, for the purpose of erecting and establishing, opening, carrying cenlarging, maintaining, or supporting, any such asylum, the grand jury of the said county shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to present, at each present term, without any previous application at presentment sessions, such sum sums of money, to be levied off such county at large, as shall be necessary the repayment of any such sum or sums so advanced, or any part thereof, such times and in such proportions as shall be directed and ascertained by a order or orders to be made by such lord lieutenant in council as aforesaid.

Presentment for rent or purchase money of houses, &c. for such asylums. XXX. AND be it enacted, that in each and every case when the comissioners appointed for general control and correspondence, and for superintending and directing the erection, establishment, and regulation district lunatic asylums, shall have rented or purchased any houses, building lands, tenements, or hereditaments, on the site or sites of which it shall be posed to erect or maintain any such asylum for the said county, it shall be law for the grand jury of the said county, and such grand jury are hereby required the presenting term next ensuing the day or time when such purchase all be made or such rent shall become due, or as soon after as shall be required and so from time to time whenever the case shall happen, to present, with previous application to presentment sessions, to be levied off such county large, such sum or sums of money as they shall be directed to present by lord lieutenant of Ireland in council as aforesaid, for the purpose of complete such purchase or paying such rent or rents.

Presentment for coroners.

IXXXI. AND be it enacted, that it shall be lawful for the grand jury the said county, at each presenting term, to present any sum not exceeding the whole the sum of one hundred pounds for each and every coroner in a county, to be levied off such county at large, or any barony therein, as a grand jury shall think advisable; and such grand jury shall apportion whole of such sum so presented among the several coroners of such county according to the number of inquests which may appear to have been restively held upon the body of any person by each of such coroners since date of the last application for a presentment; and such sums shall be paid the coroners respectively who shall have held such inquests, and for we such sums shall have been presented: Provided always, that no coroners receive more than at the rate of one pound ten shillings for each inquested by him.

Certificates of inquests held by coroners. [XXXII.*] Provided always, and be it enacted, that it shall not be la for any grand jury to make any presentment for any such remuneration any such coroner, unless, together with the application for the same at county presentment sessions, there be laid before such sessions a certificate each inquest respectively taken by such coroner, made and signed by coroner, in the form following:

[[]a So much of this Act as relates to the payment of coroners and the summoning payment of medical witnesses, rep., 9 & 10 Vict. c. 37. s. 1., but see s. 47.]

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of the under secretary, of the amount of the sum or sums so paid and advanced out of the consolidated fund for the superannuation of such constables, to present (without previous application to presentment sessions) one moiety of such sum or sums so paid, advanced, and certified as aforesaid, to be levied off such county or barony; and the same when levied shall be paid over in such manner and to such bank or person as the commissioners of her Majesty's Treasury, or any three or more of them, shall direct.

XXXVIII. And be it enacted, that it shall be lawful for the grand jury of the said county, and they are hereby required, to present, (without previous application to presentment sessions,) to be raised off the county at large, such yearly allowance, superannuation, compensation, gratuity, or remuneration as the lord lieutenant or other chief governor or governors of Ireland for the time being shall order, or at any time have ordered, to be paid by such county, or such proportion thereof as he or they shall direct or have directed to be paid, to any magistrate, inspector, deputy inspector, county inspector, sub-inspector, chief constable, constable, or sub-constable, who has been or shall hereafter be superannuated by virtue of the provisions of any Act or Acts now in force authorizing such lord lieutenant or other chief governor or governors to grant such superannuation; and such allowance, superannuation, compensation, gratuity, or remuneration shall be presented during the life of each person so entitled thereto, on proof to the grand jury from time to time that such person is living.

XXXIX. And be it enacted, that when in the said county any special constable shall have been appointed by virtue of an Act of the second and third year of the reign of his late Majesty King William the Fourth, intituled " An Act for amending the laws in Ireland relative to the appointment of " special constables, and for the better preservation of the peace," and the justices of the peace of such county, acting at a special sessions held for that purpose, or the major part of them, shall, in pursuance of the powers given to them by the said Act, have made any order or orders upon the finance committee for the payment to such special constables of a reasonable allowance for their trouble and loss of time, or to defray expences incurred in providing staves or other necessary articles for such special constables, it shall and may be lawful for the grand jury of such county, and such grand jury is hereby required, to present, (without previous application to presentment sessions.) to be raised off such county at large, or any barony thereof, within which such special constables may have served, the amount of all sums paid by the finance committee pursuant to such order or orders.

XL. And be it enacted, that where any person shall have been tried for any felony or misdemeanor whatsoever committed or alleged to have been committed in the said county of Dublin, it shall be lawful for the court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, and cause for the same being defrayed by the county of Dublin, to order the finance committee of the said county to pay to the prosecutor, upon his application, such sum of money as to such court shall seem reasonable, not exceeding the expences which it shall appear to the court that such prosecutor may have bona fide incurred in carrying on such prosecution; and in case such prosecutor shall appear to the court to be in poor circumstances, such court may make a further reasonable allowance to

for which any person on conviction may be liable to be transported; such sum or sums to be raised off such county, or any barony thereof, as such grand jury shall think proper, and to be paid to any prosecutor or prosecutors of such offenders as aforesaid; and such presentment may be made during the time appointed for transacting the criminal business of such county.

Presentment for expenses of removal to the county of offenders apprehended elsewhere. XLIII. And be it enacted, that upon the removal of any prisoner apprehended according to law in any other part of the United Kingdom, and charged with any offence committed within the said county of Dublin, it shall be lawful for the finance committee of the said county, upon being satisfied that such expences are reasonable in amount, and fairly chargeable upon the said county of Dublin, to repay, out of any funds to their credit, the expences attending the removal of such prisoner; and the grand jury of the said county shall, at the next presenting term, present the amount so paid to be raised off the county at large; and such presentment shall be made without any previous application to presentment sessions.

County officers to be paid by salaries, as per schedule No. 15.

Presentment for salaries.

Successors on vacancies to be paid according to 6 & 7 Will. 4. c. 116. schedule (S.)

Officers to make returns of fees.

Clerk of the peace to give security.

Further presentment for certain officers

XLV. And be it enacted that all county and other officers and persons mentioned and specified in the schedule No. 15. to this Act annexed shall, from and after the first day of January one thousand eight hundred and forty-five, be paid and remunerated for their respective duties, services, and expences by annual salaries, payable half-yearly by the finance committee, by equal moieties, and not exceeding the amount mentioned in the said schedule; and the grand jury at any presenting term shall and may present (without previous application to presentment sessions) for each such officer, to be raised off the county at large, the amount of such annual salary as shall be agreed upon by said grand jury: Provided always, that in case of any negligent or insufficient discharge of duty by any such officer or officers it shall and may be lawful to and for any grand jury, with the express sanction of the court, but not otherwise, to present any sum or sums less in the whole than the annual salary by this Act specified to be paid to any such officer or officers, or to withhold and refuse to make any presentment whatever for any such officer or officers [Rep., 8 & 9 Vict. c. 81. s. 10.]: Provided always, that on any vacancy occurring in the said offices, as set forth in schedule No. 15. of this Act, either by death or otherwise, the person or persons appointed to fill said offices shall be paid according to schedule (S.) in the Act of the sixth and seventh years of King William the Fourth, chapter one hundred and sixteen.

XLVI. And be it enacted, that before any clerk of the crown or clerk of the peace and other officer in the said schedule set forth shall be entitled to receive such salary as is hereby provided, he shall at each presenting term lay before the grand jury an account, verified on oath, and sworn and read in open court, setting forth the total amount of his fees and other emoluments, and distinguishing the several sums paid and received under each separate head of service, and the rates of fees or remunerations received on each; and it shall not be lawful for any grand jury to present any salary to be paid to any clerk of the peace unless it shall appear to them that he has given security, by recognizance, in the sum of one thousand pounds, for the due and faithful execution of his office of clerk of the peace, and that such recognizance has been duly deposited or recorded.

XLVII. AND be it enacted, that in case at any time a special commission shall be held within the said county for the trial of offenders, the grand jury.

hills, building and repairing bridges, gullets, &c. on public roads, either on county or barony.

Where road or stream is a boundary between Dublin and another county, neither county to present for more than half the expense of repair, &c. No payment to be allowed in one county unless there has been a presentment in the other. Presentments on baronies for widening, narrowing, and repairing

Barony pounds. Presentment for parish pounds. Sum presented to be levied on parish.

roads and

filling up ditches.

Presentment on barony for making and repairing footpaths along roads.

Presentment on barony for repairs of roads and footpaths by contract as herein-after directed, to present such sum or sums of money as may be necessary for lowering any hill, or filling up any hollow, or both, on any public road, and for making the road thereon, with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes on the side of any public road, to be raised either off the county at large, or off the barony or baronies in which the same may be locally situate.

LIV. And be it enacted, that where a river or stream or where any road is the boundary between the county of Dublin and any other county, so as that one side of such road shall be in the said county and the other side in another county, it shall not be lawful for the grand jury of either county to present, to be raised on either county, or upon any barony of either county, more than one half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge, pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such presentment shall be allowed, unless an equal sum shall have been presented to be raised for the said work on the adjoining county, or some barony thereof.

LV. And be it enacted, that it shall be lawful for the grand jury to present any part of any public road to be widened to any breadth not more than fifty feet in the clear, or to narrow such roads as the surveyor may report to be unnecessarily wide, and to present all such sum or sums of money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up any grips or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road, or turning the backs of ditches to any road, or for making. widening, or deepening drains on the side of any such road, and carrying off the water therefrom, or for making any barony pounds, to be levied off the barony or baronies where the same shall be situate, and, on a requisition signed by any twenty rate-payers in any parish, to present any sum not exceeding twenty pounds for erecting a parish pound within any such parish. and such pound when so made shall be to all intents and purposes a good. sufficient, and lawful pound, and the sum so presented shall be applotted and levied upon such parish.

LVI. And be it enacted, that it shall be lawful for the grand jury of the said county, at any presenting term, to present any footpath to be made or repaired along the side of any road for which they may have authority to make presentment, and to present such sum or sums of money as may be necessary for making or repairing the same, to be levied off the barony or baronies in which such footpath shall be locally situate.

LVII. And be it enacted, that it shall be lawful for the grand jury of the said county to present any public road within such county, or any part of such public road, or any footpath upon the side of such road, to be gravelled or repaired with broken stone, or the battlements of any bridge upon such road

Presentment for stopping up old road.

Traverse.

LXI. AND be it enacted, that it shall be lawful for the grand jury of the said county, after application made and approved of at the preceding presentment sessions, to present any old road in the said county which may appear to them to be useless to be stopped up, to every which presentment it shall be lawful for any person to enter a traverse at the then or the next presenting term; and if such traverse shall not be tried within a year after such presentment shall be made, and a verdict had in favour of such traverse, the presentment shall stand good and valid to all intents and purposes.

Commissioners of public works under 1 & 2 Will. 4. c. 33. may on application of postmaster general repair post roads.

LXII. And whereas it is expedient that provision should be made for the more speedy and effectual repair of roads upon which her Majesty's mails are carried: Be it therefore enacted, that it shall be lawful for the commissioners acting under and in execution of an Act passed in the first and second years of the reign of his said late Majesty, intituled "An Act for the extension and "promotion of public works in Ireland," or any other Act for amending the same, upon the application of her Majesty's postmaster general for the time being, setting forth and describing the line of any such road, or the portion of any such road, in the said county of Dublin, which may stand in need of repair, by and with the consent of the lord lieutenant or other chief governor or governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, guilet, or wall thereon, to be forthwith put into good and sufficient repair accordingly, under the superintendence of one of the county surveyors:

Where commissioners of public works agree to grant half of expence of public works, on presentment for the other half, commissioners may execute works, or allow grand jury to do so. LXIII. AND be it enacted, that in all cases in which, under the powers vested in them by law in that behalf, the commissioners of public works in Ireland shall agree with the grand jury of the county of Dublin to grant one moiety of the expence of any road or other public work, on such grand jury bearing the payment of the other moiety thereof by presentment, it shall and may be lawful to and for the said commissioners either to execute the said work by persons employed by them, or to permit such grand jury to cause the same to be executed in the manner required by the said recited Act or this Act in other public works of the like nature: Provided always, that it shall not be lawful for such grand jury in any case to make a presentment for payment of such moiety, except after and upon an application for such work duly made to and approved at a presentment sessions in the manner required by the said Act.

Powers of commissioners of public works on undertaking repair and maintenance of roads. LXIV. AND be it enacted, that whenever the said commissioners of public works in Ireland shall, under the provisions of this Act, or of the said Act of the first and second of William the Fourth, intituled "An Act for the extension and promotion of public works in Ireland," have undertaken the repair and maintenance of any public road, it shall and may be lawful for the said commissioners at all times thereafter to exercise all and every the same powers and authorities which are herein vested in any surveyor or contractor of the said county roads, or otherwise howsoever, or as the said commissioners, by the Act of the sixth of George the Fourth, chapter one hundred and one, intituled "An Act to provide for the repairing, maintaining, and keeping in "repair certain roads and bridges in Ireland," are invested with, as far as the said commissioners may consider the same or any of them necessary for the preservation and good order of such roads, and the removal of all nuisances

respectively holden, and such presentment shall appoint the last meeting of such sessions to be holden at the county court house of Kilmainham for the county at large; and it also shall be lawful for the grand jury at every such presenting term to direct by presentment what number of copies of the schedules of applications to be made at each such sessions shall be printed and distributed by the secretary of the grand jury.

Collectors shall make returns to grand jury of one hundred highest cesspayers in each district, or of whole number if less than 100.

LXIX. And for the purpose of enabling the grand jury to prepare such list of cess-payers as herein-after mentioned, be it enacted, that every high constable or other collector of money levied by grand jury presentment shall, on the day when the grand jury shall be first impannelled at Michaelmas term next after the passing of this Act, and at each succeeding presenting term, deliver to the secretary of the grand jury a return of the names and places of residence of the one hundred persons, being males of full age, if so many there be, and if not, then of the whole number of persons resident or in actual occupation of lands, houses, or tenements in each district in said county, who, not being in holy orders, nor any minister of religion, and not being justices of the peace, shall have been charged with and shall have paid for land or houses actually occupied by them the highest sum or sums for grand jury rates or cess for and in respect of any lands or houses in such district under the last previous applotment, and that in such list he shall set forth the sum so paid by each such cess-payer respectively, and shall classify them according to the amount paid by each, and that the secretary shall immediately lay such return before the grand jury.

Grand jury shall fix number of cess-payers to be associated with justices. not less than five nor more than twelve, for each district; and shall reduce list furnished by collectors to treble that number.

LXX. And be it enacted, that every such grand jury as aforesaid shall fix and determine the number of persons, not being more than twelve nor less than five, proper, with reference to the extent and circumstances of each district, to be associated with the justices at the presentment sessions to be holden therein for the purposes of this Act, and shall from the return aforesaid make out a list of treble the number so determined upon of persons, with their additions and abode, who, being males of full age, resident on and in actual possession of lands, houses, or tenements within such district respectively, shall, according to the return aforesaid, have paid the highest sum or sums for grand jury rates under the last previous applotment in each such district respectively: Provided always, that at every presenting term after the first day of January one thousand eight hundred and forty-five, except the first, the grand jury shall before they shall make out such list strike out of the return aforesaid the names of one half of the persons whose names appeared on the list made at the then preceding presenting term, selecting in the first instance the names of the cess-payers who were associated and acted with the justices at the presenting sessions.

Choice out of list as reduced of persons who shall be associated with the justices to constitute presentment sessions for each district.

LXXI. And be it enacted, that the grand jury shall then cause the name of every person in such list for each district to be written upon separate pieces of parchment or card, as nearly as may be of equal size, with his respective additions and abode, which shall be put into a box for that purpose provided by the secretary of the grand jury; and the acting foreman shall in open court draw out one after another such number of the said cards or pieces of parchment as the said grand jury may have fixed and determined to be the proper number of cess-payers to be associated with the said justice or justices at each such sessions respectively; and such number of the said cess-payers so

gullet, or for building or repairing any wall or part of a wall necessary for the support of or to prevent any steep banks of earth from falling upon any such road, or in erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes lying on the side of any public road, or for maintaining any dispensary.

In case of works in more than one barony, presentments to be made in barony in which larger part of the work is situate. Applications shall be lodged with secretary twenty-one days before presentment sessions.

LXXV. And be it enacted, that the applications for any new works which it is proposed to charge upon two or more baronies in different presentment sessions districts of the said county, but not upon the county at large, shall and may be made at the presentment sessions holden for the barony off which it is proposed that the larger portion of the expence of such work is to be raised, without making the same at the presentment sessions for each of such baronies.

LXXVI. And be it enacted, that every application to be made at presentment sessions shall be lodged with the secretary of the grand jury twenty-one days at least before the day appointed for the holding of the first presentment sessions in such county next before each presenting term; and such secretary shall keep an office open for the purpose of receiving such applications during ten days immediately preceding the last day upon which such applications are required to be lodged with the secretary; and the said applications shall be open to public inspection without fee or reward; and such secretary shall, on the receipt of each application, endorse or cause to be endorsed thereupon the time when the same is lodged, and number and arrange all such applications, as the works therein comprised may be proposed to be defrayed by the county at large or by any barony thereof, and shall make an abstract thereof and an index thereto, referring to the numbers which he shall mark on each application, and cause the same to be printed and distributed, and a copy thereof posted in each district; and such secretary shall produce and deliver all the applications which shall have been lodged with him or delivered at his office as aforesaid at the sessions proper, as herein-before provided, for the consideration of the same, together with the abstract thereof and the index thereto.

Secretary shall have an abstract and index printed, and posted in district.

District surveyor may make application at sessions for necessary works not otherwise applied for, without previously lodging application.

LXXVII. And be it enacted, that the district surveyor shall examine all the applications so lodged with the secretary of the grand jury as aforesaid; and in case no application shall have been made for the necessary surface repairs of any public road or footpath, or for keeping up any public road or footpath during the ensuing year, or the keeping open of any drain adjoining any public road, or any other public work which to the said surveyor shall appear necessary, or likely to become necessary during the ensuing year, it shall be lawful and he is hereby required to make application for the same in the manner herein-after appointed at the next presentment sessions to be holden for the county at large or barony by which the expence of such work ought to be defrayed; and it shall not be necessary for the said surveyor to lodge any application made by him with the secretary of the grand jury, but such application, being delivered to the chairman at such sessions, shall be dealt with thereat in all respects in the same manner as the other applications which shall have been lodged with the secretary of the grand jury.

Manner and form of applications. LXXVIII. And be it enacted, that every application to presentment sessions for any presentment other than a public work shall be made by or on behalf of the person or persons requiring such presentment; and every application to any such sessions for any public work shall be made by two persons paying

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such sessions for such work to present a memorial to the judges of the Court of Queen's Bench at the presenting term for the county, stating such application, and the disapproval thereof at the presenting sessions, and praying that the judges may direct the grand jury to make a presentment for such work; and such memorial shall be lodged with the secretary of the grand jury at least six days before the first day of such presenting term, and the person presenting such memorial shall also cause to be inserted in some newspaper published or circulated in the county notice of his intention to apply at the next presenting term for such order, and such notice shall be published at least three times before the first day of such presenting term; and upon proof that such memorial and notices were lodged and published as hereby required it shall be lawful for the judges of the Court of Queen's Bench, or any of them, to cause a jury to be impannelled to try and inquire whether such work is a proper one to be executed, and, if so, to ascertain and state the expence thereof; and if the jury shall find that such work is a proper work to be executed it shall be lawful for the judge, if he shall think fit, to direct the grand jury to present that such work shall be done, either for the sum stated by the jury to be sufficient for the execution thereof, or such lesser sum as they shall think proper, or to refuse to make such presentment: Provided always, that no such memorial shall be proceeded upon unless the memorialist shall, at the time of lodging such memorial with the secretary, deposit with him the sum of twenty pounds as a security for such costs and expences as the judge shall direct to be paid thereout to any person or persons who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

LXXXI. AND in order to lessen the expence of keeping public roads in repair, and to obviate the necessity of making frequent applications to presentment sessions, be it enacted, that whenever any application shall be made in the manner herein-before provided for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of any bridge upon any such road, the justices and cess-payers associated in the business of such sessions shall consider whether it may not be proper to contract for keeping such road or footpath in repair; and if they shall be of that opinion, they shall fix and determine the period, being not more than five years, for which it is expedient that a contract should be made for that purpose; and the surveyor shall insert such period in his specification and form of tender for such works.

LXXXII. And be it enacted, that in case any person who shall have signed any application in pursuance of this Act shall die, or be prevented by sickness or any unavoidable necessity from appearing at such sessions, it shall be lawful for the justice or justices and cess-payers thereat, or for the grand jury, to examine any other person or persons who shall have knowledge of the matter, and to decide upon such application, anything herein contained to the contrary notwithstanding.

LXXXIII. And be it enacted, that so soon as may be possible after the presentment sessions shall have been holden at all the places and times appointed therefor in such county the secretary of the grand jury shall prepare and make schedules of the contents of all applications, save and except the

applications to be certified as herein-after provided, approved of wholly or in shall lay Part, and which may have been delivered to him for such purpose by the high sheriff, chairman at each sessions, including in one schedule all such applications for surveyors, Works proposed to be charged and raised on the county at large, and in other and Queen's Separate schedules (videlicet, one for each barony,) all such applications for Bench. works proposed to be levied upon each barony, arranging all such applications alphabetical order, and noting on the face of each schedule the particulars of be decision of the presentment sessions on each application; and such secrery shall forthwith cause copies of such schedules to be printed and distributed such manner as shall have been authorized and directed by grand jury presentent at the presenting term immediately preceding; and the said secretary shall liver a copy of such schedules to the high sheriff of the county for the time ing, sand to each surveyor, and shall, on the day when the grand jury shall ne x t impanuelled as herein-after directed, deliver one copy of the said inte a schedules, together with the several printed applications, with any ecifications, maps, plans, sections, or elevations of the works to which such plication shall relate, which shall have been prepared by the surveyor, nexed thereto, to the foreman of such grand jury, and shall also deliver other copy of the said schedules to the judges of the Court of Queen's encla and the said secretary shall keep another copy of the said schedules in s office, for the inspection of the public, during three complete days at least nmediately before the day when such grand jury shall be first impannelled, herein-after provided.

LXXXIV. And be it enacted, that the grand jury shall, upon being npannelled and sworn as aforesaid, forthwith proceed to transact in open ourt all such business relating to presentments for raising money, public works, contracts, or the fiscal concerns of the county, as may be appointed for hem, and to consider and decide upon all applications which shall be made time for or presentments, as herein-before provided, in the order in which the same execution of works; shall be entered in the schedules to be prepared as aforesaid, beginning with the applications for works to be defrayed by the county at large, altering, where they may deem it necessary, the amount or time for executing each work, and examining all maps, plans, estimates, and specifications relating to each application; and the said grand jury shall be attended by their secretary and may reand by the district surveyors, and shall hear and receive, and direct to be read ceive evidence. aloud in open court, the several reports and certificates of any such surveyor and shall have power and authority, at their discretion, to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any presentment, or in anywise relating thereto, or concerning any public work, or the execution of the same, if made wholly or in part at the expence of the county or any portion of the county, or any contract of or in respect of any of the matters aforesaid, and shall make presentments for all Grand jury matters and things hereby directed to be presented for, specifying, in all presentments for county works, the maximum amount which shall be raised for specifying the execution of such work, and whether such amount is to be raised off the county at large, or off any barony or parish or other denomination thereof, as how it shall the case may be; and the said grand jury shall sit de die in diem until all the business which may come before them of the nature hereby described be despatched; and if the whole of such business shall be concluded before the

to consider and decide on all applica-

presentment amount, and be raised.

day appointed for fiating the presentments, then the said grand jury may adjourn to such day; and every grand juror who shall not attend pursuant to such adjournment may be fined by the judge for such non-attendance in any sum not exceeding ten pounds, at the discretion of the said judge.

Grand jury shall not make presentments, unless on application approved of at sessions, except in cases specially excepted, and in case of sudden damage.

LXXXV. And be it enacted, that it shall not be lawful for any grand jury of the said county, any law, usage, or custom to the contrary notwithstanding, to make a presentment for any public work whatsoever, or for raising any money, for which an application shall not have been made and approved at sessions, either wholly or in part, as herein-before provided, save and except such presentments as may be herein specially excepted, and also save and except such presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gullets, walls, or buildings, which have happened so recently as not to admit of the proper applications having been made in manner before provided; which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the grand jury upon oath; and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such grand jury shall nevertheless have power and authority to present for such repair any sum of money in such case necessary, and to authorize and empower any of the district surveyors to advertise for contracts for the execution of such work, such contracts to be laid before the next district sessions, or to execute such works, and account for the execution to the finance committee, as to such grand jury shall seem fit; and the finance committee of the county shall, out of any monies to their credit available to the general purposes of the county, advance to such surveyor from time to time the monies, not exceeding the sum presented for such repairs, which may be required therefor; and such monies so advanced shall be replaced by the monies raised and levied under the presentment which the grand jury have been herein-before authorized to make for such purpose.

Secretary shall advertise for tenders for contracts.

Forms to be provided.

Tenders shall be delivered in sealed envelopes.

Particulars to be contained therein.

LXXXVI. AND be it enacted, that the secretary of the grand jury shall, immediately after the fiating day of each presenting term, upon being furnished by each surveyor with the specification or form of tender for the execution of any such work as aforesaid, and the maps, plans, sections, and elevations belonging thereto, notify, by public advertisement or otherwise, in such manner as the grand jury shall have directed, his readiness to receive sealed tenders and proposals for the execution of such work during such period as shall have been appointed by the same authority for the reception of the same, and the time to which such sessions has adjourned for the opening of such tenders and proposals, and that forms thereof may be obtained at his office or elsewhere; and such secretary shall accordingly cause to be printed and prepared a sufficient number of forms of such tenders and proposals, and furnish to any person who shall demand the same a copy thereof, receiving therefor the reasonable cost of preparing the same, not exceeding the sum of three-pence, and also take such other means as the grand jury shall direct for placing such forms within reach of persons who may have occasion to use them; and each of such tenders and proposals shall be returned to him sealed or in an envelope, and shall contain a statement of the lowest sum for which the party making such proposal is willing to contract for the performance of the work or works specified and described in such notification, and shall be subscribed with the name, description, and residence of the party so desirous to enter

into such contract, and also the names, descriptions, and residences of not less than two sufficient persons willing to be bound jointly and severally with him for the due and faithful performance of the said contract within the time and in the manner thereby prescribed, in a penal sum, double the amount of the said sum mentioned in such tenders and proposals, if the said sum shall not exceed one thousand pounds, but if such shall exceed one thousand pounds then in a penal sum exceeding the sum mentioned in such tenders and proposals by one thousand pounds in addition thereto; and all maps, plans, ections, and specifications relating to any such work prepared by the surveyor hall be open to public inspection in the office of such secretary, without fee or eward.

LXXVII. And be it enacted, that at the meeting of each such adjourned Atadjourned resentment sessions as aforesaid the secretary of the grand jury shall in open tenders shall purt produce, duly numbered and arranged, and with the seals unbroken, all be opened and considered. ne tenders and proposals which may have been delivered to him, and shall pen. Consecutively all those relating to the same public work; and so soon as ne lo west proposal made for the performance of each such work shall be ascersined, the party making such proposal, and his surety, shall be called; and if ne said party and his sureties shall appear, and shall satisfy the justices and ess-payers at such sessions, upon eath or otherwise, of the sufficiency and bility of each and every of them to answer and make good the penalty erein-before specified for the nonperformance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose, and shall hereupon enter into security for the due performance of such contract, conlitioned in such penalty as aforesaid, in the form set forth for that purpose in the schedule No. 13., such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, unless there shall appear some reason for rejecting it; but if the party making such proposal, and his sureties, shall not appear when called, or shall fail to satisfy the justices and cess-payers at such sessions in any of the particulars aforesaid, or shall decline to enter into such security as aforesaid, or if the presentment sessions shall see cause to reject it, then and in such case the proposal of the party making default as aforesaid shall be deemed null and void to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on till the said security shall be entered into and the contract duly completed: Provided always, that if no proposal shall be made in respect of any work is made or within the time limited for receiving such proposals, or if no proposal or proposal tender shall be approved of by the presentment sessions, it shall and may be approved of by sessions, lawful for the said presentment sessions, if they think proper, to give such work may work in charge to the district surveyor, with power to expend a sum not exceeding the maximum fixed as aforesaid; and such surveyor shall cause such district work to be executed, and shall account for the execution thereof to the finance committee in manner herein-after directed.

LXXXVIII. And be it enacted, that such security so to be entered into by Contractor's contractors under this Act, and their sureties, shall be a recognizance to her Majesty, her heirs and successors, and of like force, validity, and effect as other recognizances made to the Queen's Majesty; and at such adjourned presentment sessions any justices present, or the chairman, are and is hereby authorized

be given in

to take such recognizance; and the secretary of the grand jury shall prepare the same, and come provided therewith, so as to prevent delay; and the expence of preparing the same, not exceeding six-pence, shall be defrayed by the party or parties entering thereinto; and such recognizance shall be preserved in custody of such secretary until the condition of such recognizance shall have been fulfilled, and shall then be delivered up to the contractor or contractors therein named, or to any person by him or them duly authorized, to be cancelled.

Secretary shall keep book with particulars of contracts. LXXXIX. And be it enacted, that the secretary of the grand jury shall have charge of all such contracts as aforesaid, and shall provide and keep a book in which he shall insert an abstract of all such contracts, setting out the names of the several contractors, and the particulars of each contract; and, in the case of roads for the keeping in repair of which contracts may be or shall have been made, setting out the places whence and to which each road contracted for leads, and at what milestone, mearing, or noted place each road or part of a road under the charge of such contractor commences and ends, or the names of the occupiers of the lands where his contract commences and ends, and the number of perches of road included in each contract, and the rate per perch at which each contract has been entered into, and the whole annual sum which each contractor is to be paid, and the period for which each contract is made; and all contracts so entered in such book shall be numbered, and every such book shall have an alphabetical index referring to the number of each contract.

Mode of payment.

Grand jury shall appoint finance committee.

Appointment by Queen's Bench on default.

Meetings of finance committee.

Three a quorum.

Secretary of grand jury to attend.

District sessions shall appoint road wardens.

XC. And be it enacted, that it shall be lawful for the grand jury at each presenting term, and they are hereby required, to appoint a finance committee, consisting of not more than twelve nor fewer than seven persons, residents within the county or city of Dublin, and being occupiers or owners of lands or houses within the county of the value of fifty pounds at the least; and such persons shall constitute the finance committee of the county, and shall have full power and authority to do, execute, and perform all such matters and things as the finance committee are by this Act authorized to do; and in default of the grand jury at any presenting term so appointing a finance committee it shall and may be lawful to and for the judges of the Court of Queen's Bench, and they are hereby required, to make such appointment.

XCI. And be it enacted, that the finance committee of the said county shall hold their first meeting at such time and place as shall be appointed by the grand jury, whereof public notice shall be given in such manner as shall be directed by the said grand jury, and shall meet from time to time, and adjourn from place to place, as they shall think proper, and as occasion shall require; and at all meetings three members shall constitute a quorum; and one of the members present shall be appointed chairman, and shall be entitled to vote on all questions, and in case of an equal division of votes upon any subject such chairman shall have an additional or casting vote; and the secretary of the grand jury shall attend the meetings of the finance committee, and shall act as their secretary, and make minutes of their proceedings, and render them such assistance from time to time as they may direct.

XCII. And be it enacted, that the justices and associated rate-payers at each adjourned district presentment sessions shall appoint two fit and proper persons to act as road wardens for such district until the next adjourned district

presentment sessions, or until others shall be appointed for such district; and it shall be the business and duty of such road wardens, within their respective districts, to examine into and report upon the state of the roads and other county works, whether in progress of repair or otherwise, to the presentment sessions, to the grand jury, and the finance committee, and to abate nuisances, and prosecute persons guilty of any offence against this Act.

XCIII. And be it enacted, that immediately before the closing of each Chairman adjourned presentment sessions, whether for any district or for the county at large, the secretary of the grand jury shall prepare a list of the sums payable sentment o each contractor, with a statement of the nature of the contracts entered into certify amount t such sessions, and setting forth likewise the amount which any district payable to urvey or may be authorized at such sessions to expend upon any road or work, nd the chairman shall certify the accuracy of the same by his signature; and uch lists so certified shall be laid before the finance committee at their first nee ting, and a copy thereof shall be entered on the minutes, together with a before finance of all other presentments made by the grand jury, and fiated by the op**y** ourt, under the authority of this or any other Act, and of the names of the ersons in whose favour such presentments may have been made; and it shall Finance e la w ful for the finance committee from time to time, and as the funds of the ounty admit, to make orders for the payment of all persons entitled to pay- for payment. nent under presentments of the grand jury made by the authority of this or any other Act; and every order shall be signed by the chairman for the time being of the finance committee, and two other members thereof, and countersigned by the secretary of the grand jury, and by him delivered to the person entitled to the same.

XCIV. And be it enacted, that any person who may contract for the Contractors execution of any work under this Act shall on the completion of such work, payment shall or whensoever by the terms of such contract he may be entitled to payment, give notice to district surgive notice, in form schedule No. 11. or 12., as the case may be, to the district veyor and surveyor, and also to one of the road wardens, fifteen days at the least before road warden, the day appointed for the next meeting of the finance committee, of his of grand jury. intention to make application for payment, and to require such district survey or or road warden to examine and report upon the execution of such work or performance of such contract; and such contractor shall also lodge with the secretary of the grand jury, fifteen days at least before the next meeting of the finance committee, a similar notice of his intention to apply for payment: and the secretary of the grand jury shall arrange all such notices, and an inex to each the number by which the contract in respect whereof such notice or certificate may be given is distinguished in the book of abstracts which such secretary is hereby directed to keep, and endorse on such notice the date of the lodgment of the same; and such secretary shall lay all such notices before Notices to be the finance committee, who shall examine into all such applications for payment, laid before and inspect the notices and certificates, and examine the district surveyor or mittee, and road warden, and all other persons whom they may think it necessary to applications examined into. examine, for the purpose of ascertaining the due execution of the work or matter contracted for, which examination may be upon oath in cases in which the finance committee deem it necessary or advisable; and the chairman of the Finance finance committee is hereby authorized to administer the oath; and the said on being finance committee, upon being satisfied that the party so applying is justly satisfied as

or other person. Certificates to be laid committee.

to make orders

desirous of

to execution of work, may give order for payment.

If finance committee refuse payment, contractor may appeal by memorial to Court of Queen's Bench.

Court may hold examination by jury, and make order for payment.

Memorialist to deposit a sum as security for costs.

Finance committee, twenty-one days before each presenting term, shall make up half-yearly county accounts, and each barony account shall be kept separate.

Presentment for balance due from county or barony. entitled to payment, may give an order for the payment of the whole or such portion of the sum in consideration whereof the contract may have been made as they shall deem just and right.

XCV. AND be it enacted, that if at any time the finance committee shall refuse to order payment to the contractor according to the terms of his contract, or to any other person engaged in the execution of any county work under the authority of this Act, and who on the due execution thereof would be entitled to such payment, they shall set forth the grounds of such refusal; and if such contractor or other person shall feel himself aggrieved thereby it shall be lawful for such person to present a memorial to the judges of the Court of Queen's Bench at the next Easter or Michaelmas term, stating the terms of his contract or the circumstances of his case, and the refusal by such finance committee to order payment, and praying that the judges may direct the grand jury to cause inquiry to be made into the facts stated in such memorial; and such memorial shall be lodged with the secretary of the grand jury at least one month before the first day of such term; and such secretary shall make known the same to the finance committee; and upon proof that such memorial was so lodged it shall be lawful for the judges of the Court of Queen's Bench, if they shall see reason so to do, to cause a jury to be impannelled to try and inquire whether or not such sum was rightly due to such contractor according to the terms of his contract; and if the jury shall find in the affirmative it shall be lawful for the judges of the Court of Queen's Bench to order the payment of such sum, not exceeding the amount of the contract, as to them shall seem just and proper; and it shall be lawful for the finance committee, at their next meeting, and they are hereby required, on a copy of the order for such payment being produced, to sign an order for the amount specified in such presentment: Provided always, that no memorial shall be proceeded upon, unless the memorialists shall, at the time of lodging such memorial with the secretary, deposit with him the sum of ten pounds as a security for such costs and expences as the judges may direct to be paid thereout to any person who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

XCVI. And be it enacted, that at least twenty-one days previous to the commencement of the presenting term in each year a special meeting of the finance committee shall be called by the secretary, for the purpose of making up the county accounts for the preceding year; and a separate account shall be kept and made out and balance struck for each barony, and a statement shall be made of the sums not paid on account of presentments, and of the amount not received on account of the assessment upon each barony; and the finance committee shall classify the amounts paid by them during the year. according to the purposes for which the payments were made; and the accounts when made up shall be signed by the chairman of the finance committee, and shall be laid before the grand jury on the first day of the then ensuing presenting term; and such accounts shall recite the authority under which each payment shall have been made, and a copy or abstract thereof shall be printed with the abstract of presentments; and it shall be lawful for the grand jury to present any balance which after examination of the accounts may appear to be due by the county at large or any barony, such balance to be raised off the county at large or such barony respectively: Provided

always, that the accounts of the finance committee shall be transmitted by the Accounts to be secretary to the proper office, and shall be examined and audited in the same audited under 7 Will. 4. & manner and subject to the same regulations as the accounts of county 1 Vict. c. 54. treasurers, under and by virtue of an Act passed in the first year of her Present Majesty's reign, intituled "An Act to provide more effectual means to " make treasurers of counties and counties of cities in Ireland account for public monies, and to secure the same."

XCVII. And be it enacted, that the clerk of the crown for the said county Mode of Dar blin shall, within fourteen days after the flating day of each presenting county rate. m, deliver to the secretary of the grand jury, without fee or reward, a copy, cested upon oath, and signed by himself, of all presentments which have crown, within en made and fiated at such presenting term, and likewise copies of all fourteen days discharged and remaining undischarged, distinguishing the same; and make out secretary of the grand jury shall from such copy forthwith make out an list of preimate of the amount to be raised in each barony or portion of a barony or in the county during the ensuing year under the authority of the shall make conial or local presentments made during such presenting term, and to meet probable baronial expenditure during the ensuing year, and also of the ount to be raised upon each such barony respectively to defray its proporon of the general county charges under the authority of the presentments on the county at large made during such term, and to meet the probable penditure on the county at large during the ensuing year, and shall lay the me before the finance committee at their first meeting; and the finance comittee shall consider and revise such estimate, and shall then declare and rike the amount to be levied off each barony and parish or denomination aring the ensuing year, as well on account of the baronial charges as upon ecount of charges upon the county at large.

out estimate;

XCVIII. And whereas a valuation of the county of Dublin is now in progress under ne provisions of an Act passed in the sixth and seventh year of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the several Acts for the uniform valuation of lands and tenements in Ireland," but it is necessary to make provision for the apportionment of the county charges upon each barony, and of the paronial charges upon each parish in the said county, until the period when such valuaion shall be completed: Be it enacted, that for the purpose of enabling the finance committee to make such apportionment the secretary of the grand jury shall obtain from he clerks of the several poor law unions, the whole or any portion of which may be situate within the county of Dublin, a return of the amount of the last valuation made by the guardians of each union respectively of every parish and townland within such union which is situate in the said county of Dublin, which return the clerk of every such union is hereby required to make, and to certify under his hand to be correct and the amount set forth in such certificate as the value of every parish or townland shall be taken to be the value of such parish or townland for the applotment or apportionment of the county charges under this Act: Provided always, that nothing hereigh contained shall authorize or empower the finance committee to make or apportion the county-charges according to such valuation for any longer period than until the survey and valuation under the said Act, or any Act to amend the same, shall be completed. and a copy thereof inserted in the Dublin Gazette as directed in said Acts; and that from and after the first day of the presenting term next following such publication all county cess charges whatsoever, and all grand jury charges or rates imposed or to be imposed on the said county of Dublin by presentments of the grand jury, or to be raised off such county, or any barony, parish, or townland thereof, and all parish rates coording to proportions imposed or to be imposed, or levied or to be levied, under the authority of any Act or specified in Acts, shall be assessed and levied off such county, and off every barony, parish, or recited Act. townland therein, according to the proportions specified in such Act; any law, usage,

and finance committee shall ascertain proportion to be raised off each barony,

Until valuation under 6 & 7 Will. 4. c. 84. shall be completed, charges shall be according to poor law valuation.

or custom, or any former assessment or valuation, to the contrary in anywise notwithstanding. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Finance committee shall issue warrant to collector for levying the sums to be raised.

Warrant to remain in force for two years;

a transcript to be sent to the churchwardens.

A meeting to be convened for appointing applotters. Sum required to be applotted on houses, &c. according to their value;

and levied accordingly.

If no applotment made within 20 days, collector shall himself applot.

Houses of less than 5L annual value not liable.

pounds.

XCIX. And be it enacted, that the finance committee, having duly ascertained the proportion of the county charges to be raised upon each barony. parish, or denomination according to such valuation, shall issue their warrant. under the hand and seal of the chairman of the committee, and countersigned by the secretary of the grand jury, to the several collectors, for levying and collecting the sums to be raised off each parish, which warrant shall set forth the amount to be raised off such barony, parish, or denomination by virtue of the presentments by the grand jury, with any uncollected arrears of the last warrant, and shall remain in force and effect for the term of two years next after the date thereof, notwithstanding the death, resignation, or removal of the person to whom it was addressed; and shall authorize any collector for the time being to execute the same, unless the sums required by such warrant to be levied shall have been received, or unless the grand jury shall have re-presented the same; and the person to whom such warrant is directed shall, within ten days after he has received the same, deliver or send to the churchwardens of each parish or denomination of land contained in such warrant, or in case there be no churchwarden of the same then to any principal residing inhabitant, a transcript of the said warrant, setting forth the sum he is required to levy upon the said parish or denomination, and to desire that the sum may be applotted thereon; and every person who shall receive such account is hereby required, under the penalty of ten pounds, to be recovered by civil bill by any person who shall sue for the same, to post up within six days after the receipt thereof, on the door of the church or the usual place for posting notices in said parish or denomination, a notice signed by himself, setting forth that the landholders and householders of (here insert the name of parish, &c.) are hereby required to meet at (place of meeting), on the (here insert a day, not less than ten days or more than twenty from the date of such notice), to choose two or more persons to applot the sum of (here insert the sum), required to be levied upon such parish or denomination by the warrant of the finance committee of the county; and at such meeting the landholders and householders then present shall choose two or more persons to be applotters; and the persons so chosen shall, within fourteen days from the time they shall be so chosen, applot the sum so to be levied upon such parish, townland or denomination, fairly and justly according to the relative annual value of the several lands, tenements, and houses therein contained, stating as accurately as they can the name of the occupier of each house or tenement, and shall make oath before any justice of the peace for such county that they have made the said applotment justly, according to the best of their skill, without favour, affection, or malice, the jurat of which oath shall be endorsed on the applotment; and such applotters shall deliver such applotment, so verified upon oath, to the person empowered to collect such grand jury cess, under the penalty of forfeiting for every day they shall omit to deliver the same, after the said fourteen days, the sum of twenty shillings, to be recovered by civil bill by any person who shall sue for the same; and the collector, on receiving such full and sufficient applotment, is hereby required and authorized to levy the said money according thereto; and in case no full and sufficient applotment shall be returned within twenty days after the time fixed for the appointment of the applotters, then in such case it shall be lawful for such collector himself to applot the sum required by the warrant to be levied off such parish or denomination on the several lands, premises, and houses therein, according to the best of his judgment [Rep., Stat. Law Rev. Act, 1874 (No. 2.)]: Provided always, that no house liable to county cess, the yearly value of which shall not be at the least five

Grand jury cess may be levied by distress.

CI. And be it enacted, that every person duly authorized to levy any grand jury cess off any barony, as soon as he shall have received or shall have made the applotment of such cess, shall forthwith proceed to collect and levy

one moiety thereof according to such applotment, and the other moiety thereof Distress to be after six calendar months from the date of such warrant; and each of such premises moieties may be levied by distress and sale of any goods and chattels of every chargeable; Person refusing to pay the proportion therein applotted for him or her to pay which may be found on the premises chargeable, rendering to the owner the Perplus, if any, after deducting the expences of distraining, not exceeding elve-pence in the pound on the sum for which such distress may have been de; or in case the collector shall not think it expedient to proceed by dis- or collector es, then and in such case such collector shall leave or cause to be left at the defaulter before elling house or usual place of residence of the party chargeable for or in a justice; ect of such premises a notice, bearing date the day and year of serving the e, subscribed with the name and abode of such collector, requiring payment he sum or moiety of the sum applotted within six days from the date of notice, and expressing that within six days the money demanded may be to the collector at his house or office; and if such money be not so paid in such time then it shall be lawful for such collector to prefer a complaint ny justice of the peace for the county in which the party may reside, and justice shall summon the party so complained against to appear before and answer the said complaint, and shall, at the time specified in such mons, examine into the matter of such complaint on oath, (which oath the ice is hereby empowered to administer,) and shall direct the payment to a collector of such money as he shall find due and payable under such lotnent by the party complained against, together with a sum certain as for such reasonable costs and charges as to such justice shall seem meet; in default of the appearance of such party, or upon his or her refusal or elect forthwith to pay the sum or sums so by such justice directed to be d, it shall and may be lawful for such justice, or for any justice of the peace the county, to issue his warrant authorizing and empowering the said lector to levy the money thereby ordered to be paid by distress and sale of goods or chattels of the party so complained against which may be found thin any part of such county, rendering the overplus, if any, to him or her, e necessary charges and expences of distraining being thereout first deducted, directed by such justice; and if sufficient distress cannot be found within e same county, then, on oath thereof made before any justice of the peace any other county in which any of the goods and chattels of such party all be found, (which oath such justice shall administer, and certify by endorsg in his handwriting his name on the warrant granted to make such distress,) e goods or chattels of such party so refusing or neglecting to pay as aforeid shall be subject and liable to such distress and sale in such other county here the same may be found, and may by virtue of such warrant and certifite be distrained and sold in the same manner as if the same had been found ithin such first-mentioned county.

CII. AND be it enacted, that the sum or proportion of grand jury cess to Cess shall be e raised off each barony under the warrant of the finance committee, and uly applotted for any person to pay, shall be a charge upon the lands and remises, houses and tenements, mentioned in such warrant and applotment, in occupation nd shall be paid and payable by the person or persons occupying the premises espectively at the time such cess is levied thereout, although such person or ersons did not occupy the same at the time such cess was imposed, and, when

who may issue warrant of distress on any goods of the defaulter in the

Warrant may be extended to other Counties.

a charge on lands, &c.

Sums not exceeding 50l. recoverable before civil bill court.

Collectors shall pay into the Bank the sums received each month, and shall furnish finance committee with statements, wouchers of payments, &c.

Collectors improperly collecting, or not using due diligence, may be dismissed. the sum payable by any person or persons does not exceed fifty pounds, may be sued for by civil bill, in the name of the collector, before the chairman of the sessions of the county of Dublin, or assistant barrister having jurisdiction to hear and determine causes by civil bill in the county, place, or district in which the person liable to pay the same resides.

CIII. And be it enacted, that every person duly authorized to collect and levy the grand jury cess aforesaid shall on or before the first day of each month, or so often as he shall have received one hundred pounds, pay into the Bank of Ireland, to the credit of the finance committee, the sums he may have received up to such period, and shall furnish to the secretary of the grand jury an account of the sums so received, setting forth particularly any sums received on account of arrears of cess, and shall, at all times when required so to do, exhibit to the finance committee any books, applotments, accounts, or vouchers which they may require; and any collector receiving any sums of money, under colour of his warrant, otherwise than according to the applotment, or neglecting or refusing to furnish to the finance committee such information, accounts, and vouchers as they may at any time require, or not using due diligence in the collection of the county rate, may be suspended or dismissed from his office by such finance committee; and immediately upon his suspension or dismissal he shall deliver up to the secretary of the grand jury his warrant, applotment, and all other papers, accounts, or documents of or belonging to his office as collector; and if any such person shall refuse or neglect to deliver up such warrant, applotment, papers, accounts, and documents, when required to deliver them by an order of the finance committee, it shall be lawful for the finance committee to direct the secretary of the grand jury to summon such person before any justice of the peace for the said county, who may commit such person to the county gaol, there to be detained till such documents be delivered up: Provided always, that no collector shall be dismissed as aforesaid without a special summons of the said finance committee by the secretary of the grand jury, and that at such special meeting not less than five members do constitute a quorum.

Collector's fees shall be added to sum to be applotted.

How fees shall be paid.

Notices of applications under this Act, how to be promulgated. CIV. And be it enacted, that it shall be lawful for the finance committee to add to the amount of the warrant issued by them in respect of each barony the amount of the collector's fees upon the sums to be collected for such barony, and the same shall be collected and paid into bank by each collector, together with the sums presented by the grand jury; and when one moiety of the sum to be collected shall have been paid in it shall be lawful for the finance committee to give an order for one half the amount of his fees to the collector having so paid in the moiety of his collection; and on the finance committee being duly satisfied of the diligence and assiduity of the collector in completing his collection as far as possible it shall be lawful for such finance committee to give an order for the fees due on the balance of the sum collected.

mittee to give an order for the fees due on the balance of the sum collected.

CV. And be it enacted, that a notice in writing of every application for any work intended to be made at any presentment sessions holden under the provisions of this Act, or for any payment, shall be affixed, by or on behalf of the person or persons intending to make such application, on or immediately adjacent to the doors of every police station or barrack within such parish or parishes wherein the work to which such applications shall relate is proposed to be executed, and at the places (if any) appointed by the grand jury for

Posting notices herein; and such notices shall be so affixed at the time by this Act directed; and a copy of every such notice shall be delivered to the clerk of the petty sessions of the district where the work for which such application 18 intended to be made or the greater portion thereof is to be performed; and the notice of every such application shall be delivered to the district surveyor en days before the day appointed for holding presentment sessions previous each presenting term: Provided always, that the delivery of any such notice the baronial high constable fifteen days before the day appointed for holding ch sessions shall be deemed to be due notice to the said surveyor; and any onial high constable to whom any such notice may be delivered shall nsmait the same to the said surveyor within five days after he shall have sived the same; and it shall not be necessary to deliver any such notice, er than the application itself, to the secretary of the grand jury.

T.V AND be it enacted, that the secretary of the grand jury shall cause to Secretary printed, immediately after the adjourned presentment sessions for the county arge, an abstract book of all presentments made during the preceding pre-presentments ting term, and also of all contracts entered into at the adjourned present- to be printed, nt sessions, arranging such presentment sessions and contracts under their with an pective heads, distinguishing the presentments upon each barony, or in such m as the grand jury shall direct, classifying imperative presentments arately, and shall cause to be appended to said book an abstract of the of applotment. ounts of the finance committee, as laid before the grand jury at the preing presenting term, and an abstract also of the applotment made by the ance committee for the ensuing levy.

CVII. And be it enacted, that every contractor for the execution of any work under the authority of this Act shall pay his labourers or inty ificers in money, and at intervals of not more than twenty-one days; and any contractor shall directly or indirectly pay any labourer in goods, or in y manner otherwise than in money, or shall directly or indirectly attempt persuade or induce any labourer in the employment of such contractor to ke goods in lieu of such wages, or to expend his wages in any particular top or for any particular purpose, he shall be liable to be summoned before ne justices assembled at any petty sessions, on complaint of the party grieved, or any other person, and such justices are hereby authorized to ear such complaint, and adjudicate thereon; and if such contractor shall be nvicted thereof he shall forfeit and pay such sum not exceeding five pounds. s to such justices shall seem fit; and if any contractor shall neglect to pay ny labourer in his employment at intervals of not more than twenty-one ays all wages that may be due to him, save and except the earnings of one hole week, he shall be liable to be summoned before the justices assembled t any petty sessions, on complaint of the party aggrieved, for recovery of any rages or money payable to any person employed by them in the execution f such works, so as the sum demanded do not exceed six pounds, and such ustices assembled as aforesaid are hereby authorized and required to hear such complaint and adjudicate thereon; and it shall be no defence to such complaint that such contractor has not himself received any payment upon oot of his contract; and the decision of such justices shall be final, and the sum adjudged to be due shall be levied, by warrant of distress under hand and seal of any two such justices, off the goods and chattels of such contractor.

and contracts abstract of

Contractors shall pay labourers in money, at intervals of not more than 21 days. Penalty for paying or attempting to pay in goods.

Contractor may be summoned for non-payment Contractor neglecting to perform contract may, with his sureties, be summoned before petty sessions.

Surveyor or road warden may be authorized to complete the works.

Any two justices at petty sessions may order sums not exceeding twenty pounds for repair of sudden damage to bridge, or ten pounds to road, &c.

Sums expended to be presented.

CVIII. And be it enacted, that if in the opinion of the district surveyor or any road warden the contractor for any county work shall be guilty of neglect or inattention in the performance of his contract, it shall be lawful for such surveyor or road warden to summon the said contractor and his sureties before the justices at petty sessions of the district in which such work may be situate; and if such charge of neglect or inattention be established before such justices, it shall be lawful for them to make an order directing the said contractor and his sureties to complete his contract within a period to be stated in such order; and if at the expiration of such period the district surveyor or road warden shall still see reason for being dissatisfied with the manner in which such work has been executed, it shall be lawful for them again to summon the contractor and his sureties before the justices at petty sessions, and the justices shall thereupon proceed to inquire into and finally adjudicate upon the complaint; and if it shall appear that such work has been insufficiently executed, and contrary to the terms of the contract, it shall be lawful for such justices, having ascertained the amount which it may require for the completion of such work according to the contract, to authorize such surveyor or road warden to complete the same, and to levy such amount by warrant of distress upon the goods of such contractor or his sureties.

CIX. And be it enacted, that any two justices of the peace at petty sessions in the said county may, under their hands and seals, order any sum not exceeding twenty pounds to be expended in repairing any bridge, or any sum not exceeding ten pounds to be expended in repairing any public road, or any pier or quay on the bank of any navigable lake or river, now or hereafter to be built by grand jury presentment, which may be suddenly damaged, provided it shall appear, upon the view of both of them, that the repairs of such bridge or road or such pier or quay cannot be delayed until the next presenting term without prejudice to the public; and it shall be lawful for such justices to appoint a proper person or persons to repair the same; and the grand jury of the said county is hereby empowered to present, without previous application at presentment sessions, at the next presenting term, the sum so expended in repairing any such bridge or road which is liable to be repaired by the county at large to be levied on such county at large, and any sum so expended in repairing any road or work herein directed to be repaired by any barony to be levied on the barony wherein the same is situate, and any sum so expended in repairing any such pier or quay to be levied on the county at large; and the sum so presented in the said several cases shall be paid to the person or persons so appointed by such justices to make such repairs, upon his or their producing such order under the hands and seals of the said justices, and also a certificate under the hand of the district surveyor, that the sum specified in such order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same justices of the peace shall not make or sign more than one order for the expenditure of any sum as aforesaid for the reparation of the like sudden damage between the termination of one presenting term and the commencement of another.

Penalty for giving money for any appointment. CX. And be it enacted, that if any person shall, at any time after the first day of January one thousand eight hundred and forty-five, by himself, his friends or agents, directly or indirectly give or promise to give any money, or

any security for money, or other consideration, to any person or persons, in order to procure the appointment to the office of clerk of the peace, secretary of the grand jury, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such office, or in order to influence the votes of the persons who may bave the appointment to such office, he shall be incapable of holding any such Office or employment, and shall forfeit for every such offence a sum of one und red pounds to any person who will sue for the same; and such sum may e recovered by civil bill before the chairman of Kilmainham, or by action in by of the superior courts; and every person appointed to any such offices at Declaration y time after the first day of January one thousand eight hundred and forty- by persons e shall, at the presenting term next after his appointment, subscribe in open appointed. urt before the foreman of the grand jury, and deliver to him, a declaration form in schedule No. 16. to this Act annexed, and the same shall be the eserved by the clerk of the crown among the records of the county; and no esera tement shall be made for any salary to any such officer until he shall ve so subscribed and delivered such declaration.

CX I. And be it enacted, that nothing in this Act contained shall be con- Power reued to limit or affect the powers, duties, or authorities of grand juries to ske any presentments which they are authorized or required to make under d by virtue of an Act passed in the seventh year of the reign of his late ajesty King George the Fourth, intituled "An Act for consolidating the laws relating to prisons in Ireland": Provided always, that it shall not be wful for any grand jury to make any presentment under the provisions of ne said recited Act for any salary or compensation to any keeper, turnkey, or atron of any gaol, penitentiary, bridewell, or house of correction, or for uilding, rebuilding, altering, enlarging, or repairing any gaol, bridewell. ouse of correction, or other prison, (except in the case of repairs made under he provisions of the said recited Act, in consequence of any fire or other udden accident which may happen to any such gaol, bridewell, house of correction, or other prison,) unless application for such presentment shall have peen made and approved at presentment sessions in the manner herein-before lirected and provided: Provided also, that all contracts which any grand jury Contracts to s authorized to make or enter into under the provisions of the said recited be made by Act shall be made by sealed tenders and proposals, to be delivered, opened and dealt with and security to be taken, in like manner as herein-before provided with respect to other contracts for public works, any thing in the said recited Act to the contrary notwithstanding: Provided also, that no such contract shall be entered into, nor any presentment made thereupon, save upon and after an application made and approved at presentment sessions, as herein before directed.

served to make presentments under 7 Geo 4.

Presentments to be approved at sessions.

CXII. And be it enacted, that it shall be lawful for any grand jury at any presenting term to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any denomination or barony, by barony, &c. or unpaid by to be raised and levied on such denominations or barony upon which the same defalcation of was originally required by the warrant of the finance committee to be levied, collector, &c. and to present all such sums of money which have hitherto been or which shall at any time hereafter remain unpaid on account of the absconding or insolvency of any collector or other person empowered to receive or collect public money

arrears unpaid

Application of money subsequently recovered from collector, &c.

who is or shall be insolvent, without prejudice to the liability of such collector or of his sureties, to be raised and levied either upon the county or upon the barony in which the same was before levied, as they shall think fit, which sums shall be levied in the same manner, and subject to the same rules, regulations, provisions, and powers, as any money to be levied by virtue of this Act is to be subject; and in case any money so in arrear or so detained by any collector or other person empowered to collect or receive public money shall be thereafter recovered it shall be paid to the credit of the finance committee; and such money so paid, and any balance, arrears of or surplus on the salary of any county officer, and all other such like surplus and balances of money raised by authority of this Act, or which may any how arise to the credit of the finance committee, shall be applicable to defray the expences of any public work, or any county charge whatsoever which the grand jury are authorized to present under the provisions of this Act, and shall be presented by the grand jury for such of the said purposes as to them shall seem expedient: Provided always, that such sum shall be applied to the credit of the barony off which it was originally levied: Provided also, that before it shall be lawful for any grand jury to re-present any sum of money as unpaid or in arrear out of any barony or denomination it shall be made to appear by affidavit of the collector to such grand jury that such sum is actually in arrear and unpaid by such barony or denomination respectively, and that it could not have been levied from the persons or out of the lands or houses charged with or liable to pay the same.

County
buildings may
be insured, and
premiums, &c.
presented.

CXIV. AND be it enacted, that it shall be lawful for the secretary of the said county for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the grand jury to insure, and for such sum as he shall be so directed; and such policy shall vest in the secretary for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be lodged by him to the credit of the finance committee, and shall be applied to public purposes, from time to time, as the grand jury shall direct, by any presentment, sanctioned and approved of by the judges of the Court of Queen's Bench at the presenting term at which such presentment may be made; and the grand jury shall have the power, without any previous application at the sessions, and are hereby required, to present, to be levied off the county at large, the premium and other charges payable on such policy, and for continuing the same; and the finance committee shall from time to time pay such premium.

CXVII. And whereas that part of the road from the city of Dublin to Kingstown and Bray, commencing at the bridge usually called Macartney's Bridge, in the city of Dublin, and ending at the Cross of the Blackrock, was situate within the city of Dublin, and was repaired by presentment of the grand jury of the said city, until the passing of an Act of the fifth and sixth years of her Majesty's reign, intituled "An Act to alter the number and define "the boundaries of the several baronies of the county of Dublin," whereby the district through which the said road passed was made and constituted a separate barony in the county of Dublin, by the name of the barony of Dublin:

5 & 6 Vict. c 96.

And whereas from the great traffic on the said road it requires frequent and expensive repairs, the cost of which, the barony of Dublin being of small extent and value, would prove burdensome upon the inhabitants thereof: And Whereas a great portion of the said road is bounded on one side by the barony of Rathdown, and it is just and reasonable that the inhabitants of the city of Oublin and the inhabitants of the barony of Rathdown, as well as those of the arony of Dublin, should contribute towards the repairs of the said road: Be Expences of enacted, that it shall and may be lawful to and for the grand jury of the from Dublin y of Dublin at any Easter term, conjointly with the grand jury of the to Blackrock anty of Dublin, to enter into a contract with the Board of Public Works in one third on land, or any other parties, for the maintenance and repair of the said road city, one third any period not exceeding five years, and for such term annually as shall be Rathdown, and eed upon between the said grand juries and the said board of works or one third on barony of ties aforesaid; and that the amount of such contract shall be divided annually Dublin. three parts; and the grand jury of the said city of Dublin is hereby Grand juries of city and uired to present at each Easter term the one third of such amount to be county to enter annually during the continuance of such contract upon the city of into contract for repairs. blin, and the grand jury of the said county is hereby required to present at h presenting term for the county one third of such amount to be raised on the barony of Rathdown, and the remaining third upon the barony of blim, any thing herein or in any other Act contained to the contrary notths **tam**ding.

 $\mathbf{CX}\mathbf{V}\mathbf{I}$ II. And if it should happen that at any Easter term the two grand ies should not agree as to the estimate or contract laid before them at such ster term, or that they should omit or neglect to present as aforesaid, be further enacted, that it shall and may be lawful for the lord lieutenant in upon a requisition signed by the foreman on behalf of either grand uncil, ries. to make such order to the commissioners of public works for the repair all that portion of said road herein-before recited, and which shall be eemed necessary to be repaired by said lord lieutenant in council; and that ne grand jury of the county of Dublin, together with the grand jury of the ty, are hereby required to present at each Easter term any sum or sums so xpended by said commissioners of public works, according to the proportions erein-before directed.

CXIX. And be it enacted, that during the continuance of the said contract r contracts as aforesaid a statement and account of the actual condition of the aid road, and of the expenditure of all monies received by parties so conracting, shall be laid by the commissioners of public works, (or by some person acting on their behalf, and authorized by them,) or by such other parties conracting as aforesaid, before the united grand juries of the county of Dublin and county of the city of Dublin, upon some day to be by them appointed in each Easter term for that purpose; and said commissioners of public works, orsome person acting on their behalf, or other parties so contracting, shall attend before the said grand juries at each Easter term, and give whatever information they or either of them (the said grand jury) may deem necessary relative to such statement and account.

CXX. And be it enacted, that in all cases where by this or any Act or Acts Payment of now in force in Ireland repayment is to be made by grand jury presentment by presentment by presentment of any money advanced out of the consolidated fund, or from any other public for repayment

In case of neglect of grand juries, commissioners of works to repair road on order of lord lieutenant. and grand juries to present expence thereof.

Parties contracting for repairs of said road to furnish statement and account, and to attend grand juries.

of sums advanced out of consolidated fund.

Court shall make order for such sums to be levied if grand jury refuse to present. fund, the same shall from and after the passing of this Act be paid and payable unto such bank or person, and in such manner, as the lord high treasurer, or the commissioners of her Majesty's Treasury, or any three of them, shall from time to time think fit to direct and appoint.

CXXI. And be it enacted, that in case the grand jury at any presenting

CXXI. And be it enacted, that in case the grand jury at any presenting term shall neglect or refuse duly to present any money which, under the provisions of this Act, or of any Act now in force in Ireland, or of any Act passed or to be passed in this present session of Parliament, such grand jury may be required to present at such presenting term upon the certificate of the chief or under secretary of the said lord lieutenant or other chief governor or governors of Ireland, or otherwise, for the purpose of reimbursing or replacing any monies issued out of the consolidated fund of the United Kingdom of Great Britain and Ireland, the court shall have power to make an order directing the sum or sums which ought to have been so presented to be raised and levied as if the same had been so presented; and such order shall have the force and effect of a presentment, and the treasurer of the county or finance committee shall insert the sum mentioned in such order in the warrant, and the same shall be applotted, raised, and levied, and applied in like manner, to all intents and purposes, as if the same had been duly presented by such grand jury.

Compensation for malicious injury.

Notice of intended application to be given within six days to churchwardens.

Application to be made to sessions, and disposed of by grand jury.

CXXII. And be it enacted, that from and after the commencement of this Act, in all cases of maliciously or wantonly setting fire to, burning, or destroying any house, outhouse, or other building, or any haggard, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden or unladen, or of maliciously killing, maining, houghing, or injuring any horse, mule, ass, or swine, or any horned cattle or sheep, or of maliciously damaging, injuring, or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work, belonging to any person, public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the high constable of the barony, and the churchwardens of the parish, and at the nearest police station, or, if there be no churchwarden or high constable, then upon two of the principal inhabitants of the parish wherein such offence shall have been committed, within six days at least after the commission of the same; and shall lodge with the high constable or secretary of the grand jury, in like manner and time as applications for presentments for public works are hereinbefore directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured, or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender and offenders as may be known; and like notices shall be posted of such application as herein-before prescribed in cases of other applications to presentment sessions; and such application shall be scheduled by the secretary of the grand jury, and by him dealt with in all respects as other applications under this Act; and the presentment sessions shall examine into the serving and posting the notices of such application, and into the merits of the same,

and the chairman shall endorse their opinion thereupon, and such secretary shall deliver such application so endorsed to the grand jury at the next Presenting term; and the said grand jury shall examine into the matter of such application, upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said grand jury shall, on the consideration of the said matter, either disallow such application altogether, or present such sum or sums of money as the person or persons so pjured ought to receive for such injury or damage, to be levied off the county t large, or such barony, parish, district, townland, or sub-denomination thereof the grand jury shall direct.

CX X III. And be it enacted, that every application under this Act for Applications mpensation for loss or damage occasioned by any malicious injury as aforedshall be made at the presentment sessions which shall be holden next made. fore the presenting term after the commission of such offence for the barony nere the same shall have been committed, unless any such malicious injury all have been done after the day appointed for holding the first presentment sions before the next presenting term, or so near the day of holding the me that such application for compensation cannot be duly lodged as hereinfore directed; in either of which cases the person or persons so injured shall ake such application at the presentment sessions which shall be holden for e barony where such offence shall have been committed before the presenting rm which shall take place next after that following the commission of such fence, and the notices of such applications shall be posted accordingly; and shall not be lawful for any grand jury to make any presentment for comensation for malicious injury under the provisions of this Act, except at the resenting term next ensuing to the presentment sessions where application nall have been made therefor.

CX X IV. Provided always, and be it enacted, that every person or persons Persons inwho shall under the provisions of this Act apply for compensation for any in examinaoss or damage occasioned by malicious injury as aforesaid shall, within three tions within lays after the commission of the said injury, unless prevented by illness or and declare ther sufficient cause, give in his, her, or their examination, or that examination whether they know the apon oath shall be given by his, her, or their servant or servants who had the party comare of his, her, or their property so injured, before some justice of the peace mitting the damage. of the county, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them; and in such case Examinant such examinant or examinants shall be bound by recognizance to prosecute shall be bound over to prosecute over to prosecute such offender or offenders, by indictment or otherwise, according to the laws of cute offenders. this kingdom.

CXXV. And be it enacted, that all such applications whatsoever for com - When prepensation for loss or damage sustained by malicious injury shall be laid by the acting clerk of the crown before the judges of the Court of Queen's Bench on acting clerk of the crown before the judges of the Court of Queen's Bench or application the first day of the next presenting term; and in case any person paying disallowed jury may be grand jury cess for the said county, or any barony chargeable with the sum swomby Court presented by the grand jury, upon any such application shall be desirous of Bench to try opposing any such presentment, or in case any person whose application for the matter; compensation shall have been disallowed by the grand jury shall wish to have his or their application re-considered, such cess-payer or person or persons applying for compensation shall be heard; and in either of such cases the

opposed or

and presentment discharged, altered, or fiated accordingly.

No presentment for compensation to be removed by certiorari, or quashed for want of form. No traverse shall be allowed, save as herein directed, nor any action for damage be brought by person injured against magistrate or inhabitants of parish. Mode of obtaining compensation for injury committed near boundary of the county.

judges, if they shall so think fit, shall direct a jury to be forthwith impannelled to try the matter of such presentment or application respectively at nisi prius, and according as the issue shall be found for or against such cess-payer the judges shall discharge, alter, or flat such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the judges of the said court shall direct the grand jury for the time being to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries impanuelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said judges to award, by rule for that purpose, costs to the parties for whom the issue shall be found against the other party or parties respectively, in any sum not exceeding ten pounds sterling; and the said judges are hereby empowered to direct and issue forthwith an order or orders in the nature of an execution against such lastmentioned party or parties respectively, which said order or orders the sheriff of such county is hereby required to execute, in the same manner as in cases of execution against the chattels and effects of defendants.

CXXVI. AND be it enacted, that no presentment for compensation for loss or damage as aforesaid shall at any time be removed by certiorari, nor shall any such presentment be at any time quashed for any informality, imperfection, or defect in form whatsoever; and no traverse, save as herein-before directed, shall be allowed or received to any presentment, nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act be brought or prosecuted against any chief or other magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

CXXVII. Provided also, and be it enacted, that in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distance of one mile of the boundary between the said county of Dublin and any one or more counties, the person or persons who shall sustain such injury may apply for compensation in the manner herein-before directed in either or any one of such counties; and such application, if made in the county of Dublin, shall be made in the manner herein-before directed, but if in any other county in the manner authorized and directed by any Act or Acts in reference to such county; and all proceedings shall be taken thereupon as herein-before provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the judge at the assizes of such county, or at the presenting term for the county of Dublin, shall have power and authority to apportion the amount of such compensation amongst such counties or any baronies thereof, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such presentment shall thereupon be diminished, or presentment made, according to the proportion which the said judge shall direct to be paid by such county; and the grand jury or grand juries of the said other county or not having complied with the terms of his agreement, or with the provisions

of this Act; and the court at each presenting term is hereby authorized and required to try the truth of the fact by a jury, in the same manner as any traverse within the jurisdiction ought to be tried; and it shall not be lawful for the clerk of the crown or clerk of the peace to take any fee in respect of such traverse, and costs shall be paid by the party against whom such traverse shall be found: Provided always, that although there shall be verdict against such traverse, yet if the court shall be of opinion that there was reasonable and probable grounds for traversing such presentments, or the application of such contractor, the costs shall be paid by the finance committee from and out of the county monies to their credit; and the grand jury shall present the same, without previous application to presentment sessions: Provided also, that every person intending to traverse any presentment or payment for which it is by this Act required that application shall be made at the presentment sessions shall give notice in writing of such intention to the secretary

of the grand jury within two days after the first day of such sessions, and the same or any other presentment shall be traversed only at the presenting

Costs of unsuccessful traverse, &c.

Notice of traverse, &c.

Presentments for new roads, &c. may be traversed for damages by occupiers, &c. of lands affected.

Presentment for amount of damages.

Contractor and surveyors may take materials for

roads, &c.

term at which the presentment shall be made. CXXXV. And be it enacted, that it shall be lawful for any occupier or owner of the ground through which any new road is to be made, or into which any old road is to be widened, to traverse the presentment for the same for damages at such presenting term aforesaid, having given like notice to the chairman of the presenting sessions, and to the secretary of the grand jury, previous to the commencement of such presenting term, of the amount of damage intended to be claimed, which traverse or traverses shall be tried then or at the ensuing presenting term, upon the entry in the crown book of the presentment and traverse, without making up any record; and the jury which shall try such traverse shall be sworn true verdict to give, whether any and what damages will occur thereby to the traverser, taking into consider. ation any collateral advantages which may result or accrue to such traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the grand jury to present, without previous application at presentment sessions, such sum or sums of money so found for damages, to be raised off the county or off the barony respectively in which the traverser shall have made it appear that he or she sustained the damages, and to such latter presentment no traverse shall be allowed or received; and upon the damages so found being presented for the use of such traverser, or deposited for his or their use with the secretary of the county, it shall be lawful for the contractor to proceed in the execution of the presentment without the interruption of any person.

CXXXVI. And be it enacted, that every district surveyor, and every contractor for any work to be executed by grand jury presentment, shall have power and authority to dig for, raise, and carry away, in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby

Name and residence of owner to be painted on carts, &c.
Double rein to cart, &c. drawn by horse, &c.

Proceedings against offenders.

in all cases where it is practicable, take and go on the right-hand side of such persons; and on every cart, car, or other carriage without springs on any road upon which her Majesty's mails are conveyed in coaches, or any other road being a county road, the name and surname and residence of the owner of such vehicle shall be painted in white roman letters one inch long at the least; and every car or cart drawn by one horse, mule, or ass shall have a double rein extending back to such car or cart; and if any person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any person shall drive any vehicle on any such road, whereon the name of the owner is not painted, or without a double rein as aforesaid, it shall and may be lawful for any magistrate, constable, or turnpike keeper to stop and detain such offender, and the vehicle and animal or animals on which or with which such offender shall be, and forthwith to carry or convey such offender before any justice of the peace for the county where such offence shall be committed, or for any person whatsoever to lodge information against such offender before any such justice; and upon being convicted thereof upon the oath of one credible witness every such person so offending shall forfeit and pay any sum not exceeding five shillings, to be levied by distress and sale of the goods and chattels of such offender, or by distress and sale of the carriage and horse or horses or other beasts, and the goods therein or thereon, wherewith such offender shall have been travelling at the time of such offence, such distress to be made under the hand and seal of such justice, rendering the overplus, (if any,) after deducting the said fine and expences of such distress and sale, to the owner or owners, on demand, one half of the amount of the penalties so levied to be paid to the informer, and the remaining half to the dispensary of the district, or such other charitable purpose as the justices shall direct; and if distress sufficient for such penalty or penalties shall not have been seized or found it shall and may be lawful for such justice, and he is hereby empowered and required, to commit such offender so convicted to the common gaol for any time not exceeding one calendar month, unless such offender shall sooner pay and satisfy the damages which shall happen in consequence of any such neglect or default as aforesaid.

No house to be built within twenty feet of centre of road, &c.

No windmill within 200 or limekiln within 100 feet of centre of public road. Buildings may be pulled down.
What deemed to be the centre of the road.

[CXXXIX.a] AND be it enacted, that no house or part of a house shall be built within twenty feet of the centre of any road, or within ten feet of the side thereof, (except in the streets of corporation or market towns, or except where a house now stands,) and that if any person shall offend herein every such person shall, upon conviction before any justice of the peace, forfeit and pay a sum not exceeding ten pounds, and a further sum not exceeding ten shillings for every week after such conviction, until the same shall be pulled down or removed; and no windmill shall be built within two hundred feet, and no limekiln within one hundred feet, of the centre of any public road; and it shall be lawful for any justices, at a general sessions of the peace, to direct any house, limekiln, or windmill built or building contrary to this Act to be pulled down, and to issue their orders to any constable or constables for that purpose, which order every sub-inspector or head or other constable shall aid and assist in executing; and the centre of the road, for the purposes of this Act, shall be deemed to be the centre of the part thereof made with gravel or small stones.

of any such road, or take away any earth, clay, scrapings, stones, or gravel therefrom; or make any drain, gutter, sink, or watercourse across, or otherwise break up or upon the surface of any road or footpath; or shall load or drive any car or carriage with timber, boards, or iron laid across, so as that either end may project more than thirty inches beyond the wheels and sides of the carriage; or shall draw any timber or millstone along any part of a public road without being supported by wheels from touching the same; or shall neglect to cut or clip the hedges at the side of any public road at a height not exceeding five feet, timber trees therein excepted, within ten days after being noticed so to do by any justice of the peace for the said county, district surveyor, or road warden, provided that no such notice shall be given from the first day of April to the first day of September; or, being a blacksmith, and having a shop or forge with a window fronting any road, shall neglect, after it becomes twilight, to bar and prevent light from such shop shining into such road; every person so offending shall, upon conviction by the oath of one credible witness before any justice of the peace within his jurisdiction, or upon the view of any such justice, forfeit a sum not exceeding ten shillings for every such offence; and it shall be lawful for such justice, by warrant under his hand and seal, to empower such district surveyor or road warden to fill up any ditch or drain which shall be scoured, deepened, or widened, or to scour any drains which have been filled on the side of any road without such direction or consent as aforesaid; and to scour or deepen any drain or ditch, or remove any way or passage, leading from any road into any adjoining land, or to any house, which may obstruct the free passage of the water, and to re-make the same by building a gutter, sewer, or arch therein; and to remove any brick or lime kilns, weeds or vegetables for making ashes, which shall be burning, or any flax which shall be steeped or drying, within one hundred feet of the centre of any public road; and to pull down any sign-post, maypole, or may-bush; and to pull down or fill up and level any wall, drain, or ditch, which shall be built or made or begun to be built or made contrary to this Act; and to have removed the carcase of any dead beast which shall remain in or near any public road contrary to this Act; and to have every such hedge effectually clipped and cut, timber trees alone excepted; and to levy the expence of so doing by distress and sale of the goods of the offender, or of the occupier of the lands wherein such way, passage, or drain shall be, rendering the overplus (if any) to the owner, after deducting the sum of one shilling in the pound for the expence and trouble of taking such distress.

penalty.

liable to

Surveyor under warrant of justice may fill up or deepen ditches, &c.;

or remove nuisances;

and levy expenses.

Dirt, clay, &c. on public road may be taken away, &c. and appropriated by any one having permission of the surveyor; also corn laid on road to be winnowed, sacks and cloths;

[CXLI*.] And be it enacted, that all dirt, dung, turf, straw, rubbish, and scouring, and all clay, stones, bricks, sand, or lime, which shall be laid on any public road, or within thirty feet of the centre thereof, without such consent or direction as aforesaid, shall be and is hereby declared to be forfeited; and it shall be lawful for any person whatsoever, having obtained permission from the surveyor or a road warden, or one justice of the peace for the county, to take, carry away, and convert the same to his or her own use, as also all com which shall be laid on any public road for the purpose of being winnowed, or shall be winnowing thereon, or remain there after having been winnowed thereon, together with the sacks or winnowing cloths whereon the same may happen to be, and all flax which shall be beating on any public road, or to be

Penalty on persons convicted of neglect.

Surveyor or contractor not liable to penalty for acts done in discharge of duty, &c.;

but fineable in certain cases.

Surveyors or contractors may require owners of land to prune trees injuring roads:

owners on default to be summoned before petty sessions.

Justices may order trees to be pruned, and, on default of owner, surveyor, &c. may do it, and recover cost by distress.

Pruning only to be required between certain dates.

Penalty on persons obstructing surveyors, contractors, or officers, or injuring county works. [CXLIV.] Provided always, and be it enacted, that nothing herein-before contained shall render any district surveyor, or any contractor for any public work under this Act, liable to any penalty for any act done or performed by the said surveyor, or in the discharge of the duties of his office, or by any such contractor in the due and necessary execution or performance of his contract; but if any such surveyor or contractor shall lay or cause to be laid any heap of stones, gravel, rubbish, or other matter whatever, upon any public road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor or contractor to prevent any such danger or damage, such surveyor or contractor shall forfeit for every such offence any sum not exceeding forty shillings.

[CXLV.] And be it enacted, that if any district surveyor or contractor for the repairing of any public road in the said county shall think that any obstruction is caused in any public road by any trees, so as to occasion danger to the public, it shall be lawful for such surveyor or contractor, and they are hereby, each or either of them, authorized, to require the owner of the land on which such trees are growing to cause such trees to be pruned or lopped, so as that such road may not be prejudiced or obstructed by the same; and if such owner shall not comply with such request within ten days it shall and may be lawful for such surveyor or contractor, and they are hereby respectively authorized and required, to summon such owner before the justices assembled at any petty sessions for such county, to show cause why he has not complied with such request; and if such justices shall order and direct that such trees shall be pruned or lopped, and if the said owner shall not obey such order within ten days after the making of the same, it shall and may be lawful for such surveyor or contractor to prune or lop such trees, and to remove such obstruction as aforesaid, to the best of their skill and judgment; and the said surveyor or contractor shall be reimbursed by the said owner what charges and expenses he shall be at in pruning or lopping such trees; and it shall be lawful for such justices at petty sessions as aforesaid to direct such charges and expences to be levied by distress and sale of the goods and chattels of such owner, in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no person shall be compelled, nor any such surveyor or contractor permitted, to cut or prune any hedge at any other time than between the last day of September and the last day of March.

ICXLVI. AND be it enacted, that if any person shall wilfully prevent, assault, or threaten to assault any surveyor, contractor, collector, or other county officer in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring or laying out any line intended for a new road, or if any person shall wilfully destroy, pull up, deface, or injure any surveyor's instruments or implements used in public works, or any mile-

The party distraining not to be a trespasser in consequence of any irregularity.

Satisfaction for damages may be recovered by action on the case.

General issue.

Avowry.

Treble costs.

Justices not to take money for affidavits. False swearing punishable as perjury.

Presentment for expenses of prosecution.

Money to be in present currency. Schedules part of Act.

Forms may be altered.

Notices, &c. not to be impeached on technical grounds.

Form of conviction.

CL. And be it enacted, that when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio on account of any subsequent irregularity on the part of the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

CLII. And be it enacted, that it shall not be lawful for any justice of the peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any grand jury, without any previous application to presentment sessions, to make such presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

CLIII. And be it enacted, that the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable: Provided always, that it shall and may be lawful to erase or alter any words in such forms, so as to make them applicable to any particular case, without materially altering the substance, but no further; and that no notice, recognizance, warrant, traverse, presentment, or other proceeding or matter whatsoever, served, made, taken, or had under this Act, shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

CLIV. AND for the more easy and speedy conviction of offenders against this Act, be it enacted, that any justice or justices of the peace before whom any person or persons shall be convicted of any offence against this Act shall

[[]a Section 151 is rep., so far as it relates to plea of general issue, Stat. Law Rev. Act, 1874 (No. 2).]

include a justice or magistrate of police; and the word "petty sessions" shall be deemed or taken to include a police divisional office; and every word importing the singular number shall extend and be applied to several persons, animals, or things, as well as to one person, animal, or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male; unless the contrary thereof shall be expressed, or that any such construction as aforesaid shall be inconsistent with or repugnant to the context.

SCHEDULES to which the foregoing Act refers.

SCHEDULE No. 1.

DECLARATION of Justices.

I A.B. of [here insert the name and place of abode of the justice taking this declaration] do declare, that I am a justice of the peace of the county of Dublin, and that I will truly, faithfully, and impartially do and perform all such acts, matters, and things as I am authorized to do and perform by and under the provisions of an Act passed in the year of the reign of her Majesty Queen Victoria, intituled [here set out the title of this Act]; and that I will, without favour, affection, hatred, or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence, and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act. Witness my hand.

SCHEDULE No. 2.

DECLARATION of associated Cess-payers.

I A.B. of [here insert the name and place of abode of the cess-payer taking this declaration] do declare, that I will truly, faithfully, and impartially do and perform all such acts, matters, and things as I am authorized to do and perform by and under the provisions of an Act passed in the year of the reign of her Majesty Queen Victoria, intituled [here set out the title of this Act]; and that I will, without favour, affection, hatred, or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence, and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act. Witness my hand

SCHEDULE No. 3.

FORM of Application for making a new Line of Road.

County of WE, of , and of , do certify, that in our opinion it would be useful to make a new line of road from to , between and , and that such new line of road is perches in length, and that said perches are in the townland [or townlands] of , in the barony or baronies] of , in this county; and we propose that presentment for such purpose be made under and

SCHEDULE No. 6.

Form of Applica	ation for making or r	epairing Footpaths.	•
County of \ WE,	of	, and	
) of	, do certify, tha	t in our opinion it is	necessary
to make [or repair]	perches of footpat	th on the road from	•
to , betwee	een	and ,	all in the
barony of	, in this county; an	d we propose that the	expence
of the aforesaid work shall	not exceed	pounds, and	d shall be
defrayed by the county at];
and that presentment for s			
the section of the		f [here set out the reig	gn], being
an Act for [here set out the	e title of this Act].	/ CI 1	
		(Signed)	A.B.
_			C.D.
	Schedule No. 7.	•	
77 C & 1' 4' - C - T		M	L . C' 1
FORM of Application for P			ne Sides
	making sufficient Fe	_	
County of WE of	, of	, and	•
perches of the road from	, do certify, that we	, between	•
_	the barony of	, in this coun	tw where
-		mmediately adjoining	•
road, of the average breadt		and depth of	5 000 0000
which are open and dange		•	that it is
necessary for the safety and			
fill up the same, and to mai			
that the expence of the afor			pounds,
and shall be defrayed by			-
	nd that presentment		
under and by virtue of the	-	n of the	chapter
of [here set out the reign]		nere set out the tit	le of this
Act].			
		(Signed)	A.B.
			C.D.
	Schedule No. 8.	- 	
Form of Application fo	or filling Dikes or Ho	les on the Sides of F	loads.
County of \ WE,	\mathbf{of}	, and	
of	, do hereby certi	fy, that it is necessar	ry for the
security of travellers to fil	l up the dikes [or	holes] immediately	adjoining
perches of the	e road from	to	
between and		he barony of	
n this county; and we pro			
_	nd shall be defrayed		
parony or half barony of	_	hat presentment for	
oose may be made under an	d by virtue of the	secti	on of the

SCHEDULE No. 12.

	FORM of Application for Payment	by a Contractor	for Works of	Maintenance.		
	County of \ WHEREAS at the	term in th	e year	, by		
	yirtue of the	section of t	he	chapter of		
	[here set out the reign], being an A	Act for [here set	out the title	of this Act],		
	, perches of the road	from	to	,		
	between and	, in the baro	ny of	, in this		
county, were presented to be kept in repair for years, by cont						
	at the yearly sum of	: And whereas	I contracted:	for the same:		
	Now this is to certify, that the said	l perc	ches and ever	y part thereof		
have been kept in good and sufficient repair and condition since the com-						
mencement of my contract, in conformity with the presentment and specifica-						
tion; and that the said perches, and every part thereof, are now						
in good and complete repair and condition, and that the said						
perches are free from nuisances; and I hereby apply for payment of the sum						
	of , for keeping the sai	\mathbf{d} , perc	ches in repair	for		
	months.					
			4-44			

(Signed) A.B.

C.D.

SCHEDULE No. 13.

Form of Recognizance for Execution of Contract.

BE it remembered, that on the day of A. B. of in the year in the county of , C.D. of in the county of and E.F. of in the county of , came before me [one of the justices, or chairman, as the case may be,] at a presenting in the county of acknowledged themselves to be held and firmly bound to our sovereign lady the Queen, her heirs and successors, in the sum of which payment they bind themselves, their heirs, executors, and administrators, and their estates, jointly and severally: Whereas the above-bounden A.B. has become contractor for the execution of a certain public work, that is to say [mention it], and the said C.D. and E.F. have become his sureties for the due execution of such work: Now the condition of the foregoing recognizance is, that if the said A.B. shall within the time mentioned in such contract well and truly execute such work in the manner required and agreed on by such contract, then the foregoing recognizance to be void, otherwise to remain in full force and effect.

SCHEDULE No. 14.

GENERAL Form of Presentment for County Works.

County of Dublin, to wit. Barony of or the baronies of and as the case may be], a sum not exceeding pounds, to be expended in [here insert the object of the presentment, and the nature of the work, as particularly as shall seem necessary], according to the plan, specification, and estimate laid before us and the court, and approved of.

of officers, assistants, and clerks were formed for the offices of the said several courts, and for the taxation of bills of costs in common law business, and regulations were made for providing the necessary number of fitting and competent persons to do the business of writing, copying, and engrossing in every such office respectively, the salaries and expences of which establishments and business were by the said Acts charged upon the consolidated fund: And whereas by an Act passed in the first and second years of the reign of his said Majesty King George the Fourth, intituled "An Act to grant for the term of " five years additional stamp duties on certain proceedings in the courts of " law, and to repeal certain other stamp duties, in Ireland," which term has been since extended from time to time by subsequent Acts, certain stamp duties therein specified, to be denoted "Law Fund," were granted to meet the charge upon the consolidated fund created by the salaries and expences so made payable thereout by the said herein-before recited Acts for and in respect of the offices of the said courts of law, and also to meet certain other charges for salaries, allowances, and compensations to the judges and officers of the said courts in lieu of certain fees which were then abolished: And whereas the income produced by the said Law Fund stamp duties has never been sufficient to meet the said charges for which it was intended to form a provision, and by making a new arrangement as to the business to be transacted in the said offices a very considerable saving in the expences chargeable in respect thereof upon the consolidated fund may be effected: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the eleventh day of October one thousand eight hundred and forty-four the several offices created by the said first-recited Act of the first and second years of the reign of King George the Fourth, and all appointments made under or by virtue of the said Act, or by virtue of the said recited Act of the fifth year of the reign of King George the Fourth, shall be and the same are hereby abolished, save and except the offices of taxing officers and their clerk, and of crier, tipstaff, and serjeant-at-arms in the several courts, which shall remain as heretofore. Rep., Stat. Law Rev. Act, 1874 (No. 2).

1 & 2 Geo. 4. c. 112.

Offices, &c. abolished.

Exception.

New officers in common law courts in Ireland, to perform duties precribed by schedules (A.), (B.), and (C.)

III. And be it enacted, that from and after the said eleventh day of October one thousand eight hundred and forty-four there shall be in each of the said superior courts of common law in Ireland, to conduct the civil business thereof, one principal officer, to be called the master of such court, and the following other officers; (that is to say,) one clerk of the rules and one clerk of the writs, appearances, and seal; the said principal and other officers to discharge the several duties prescribed for them respectively in this Act, and in the schedules severally marked (A.), (B.), and (C.) to this Act annexed; and the said officers to have to aid them in the discharge of the said duties the several assistants and clerks in the said schedules respectively set forth [Rep., Stat. Law Rev. Act, 1874 (No. 2).]; and that the said principal and other officers, and the said assistants and clerks [Rep., Stat. Law Rev. Act, 1874 (No. 2).], shall hold their offices or employments during good behaviour, and shall be responsible for the due and efficient performance of the duties prescribed for them by this Act and the schedules hereto annexed, and that the said principal and other officers, and assistants and clerks, shall be entitled to receive the several and respective salaries in that behalf set forth in the said schedules to this Act annexed. IRep., Stat. Law Rev. Act, 1874 (No. 2).

to be on stamps, to produce stamped paper to officers. impressed with the stamp duty payable thereon; and no such officer, assistant, or clerk shall be bound to commence such business, or to take any step towards the execution thereof, until such stamped paper shall have been deposited with him.

X. And whereas it is just and expedient that, except as herein-after mentioned, all such writs and other writings as have been hitherto prepared. engrossed, and written in the offices of the general clerks and other assistants to the principal officer in each court, at the charge of the consolidated fund, shall in future be prepared, engrossed, or written by the attornies requiring them, at the charge of the party or parties for whose benefit, advantage, or purpose they are so required: Be it therefore enacted, that from and after the commencement of this Act no writs or other writings shall be prepared, engrossed, or written in any of the offices of the said courts at the charge of the consolidated fund, save and except the making up, entry, and enrolment of judgments, and such office copies or extracts as may be required of any pleadings, affidavits, writs, or other documents, matters, or things, which, having been previously filed, deposited, enrolled, or recorded in the office, shall be in the custody of the officer of the court; but that when any such writs and other writings shall be brought to the office properly prepared the proper officer shall and he is hereby required, without unnecessary delay, to examine, enter, sign, seal, attest, or record the same, as the case may require.

XI. And be it enacted, that for the purpose of preparing enrolments of judgments, and such office copies or extracts as may be required of such pleadings, affidavits, writs, records, or documents, matters, or things, as shall be in the custody of the officer, it shall and may be lawful for the master of each court, and he is hereby required, to employ writing clerks, who shall be paid, according to the quantity of their writing, at the rate of three halfpence per office sheet of seventy-two words, such payment to be charged in the incidental expences of the court in the manner herein-after provided.

offices at expense of consolidated fund,
Other writs, &c. to be prepared by attornies at expense of parties, and brought to office to be entered, sealed, &c.

What writs,

&c. shall be

prepared in

Writing clerks to be employed for preparing enrolments and office copies.

Payments in and out of court to be entered by masters in proper books. All monies deposited in court by suitors to be paid into the Bank of Ireland.

How payments out shall be made.

XV. And be it enacted, that after the said eleventh day of October one thousand eight hundred and forty-four the master of each of the said courts respectively shall cause all and every sum or sums of money paid into the said courts by or on behalf of the suitors in either of those courts to abide the event of the suit, or for any other purpose whatsoever, and all payments thereout, to be entered in proper books to be kept for that purpose, and shall, as soon as conveniently may be, pay all and every such sum or sums of money into the Bank of Ireland, to the credit of the proper cause or matter; and when and so often as it shall and may be necessary to pay out or disburse any of the monies so lodged in bank, the court shall by its order direct such payment or disbursement, and the master of each of the said courts respectively shall and he is hereby authorized and required to draw on the said governor and company of the Bank of Ireland for any sum or sums of money so ordered to be paid out or disbursed; and the said governor and company of the Bank of Ireland are hereby authorized and required to pay all such sums of money as may so be drawn for, in pursuance of such order, by the masters of the said courts respectively.

All offices in the courts shall be executed in person, except in cases of illness or leave of absence, and then by deputy appointed with consent of the chief justice, &c.

XXIV. AND be it enacted, that from and after the commencement of this Act every officer or assistant of any of the said several courts whose duty it is to sign or attest any writ, pleading, or document shall respectively execute the duty of his office in person, except only in case of sickness or occasional absence, or under the sanction herein-after provided; (that is to say,) that it shall and may be lawful for the chief justice or chief baron of the court to which such officer or assistant shall belong, or in his absence the next senior judge or baron of the said court then in Dublin, on the application of the master, to grant to any such officer or assistant leave of absence for any period which the said judge or baron shall consider reasonable; and that in any such case it shall and may be lawful to and for such officer or assistant, by deputation in writing under his hand and seal, by and with the consent in writing of the chief justice or chief baron of the court to which such officer or assistant shall belong, or, in the absence of such chief justice or chief baron, then of the next senior judge of the said court then in Dublin, to appoint a deputy to execute the duties of such officer or assistant during such period as shall be specified in such deputation; and the name of such deputy, and the approbation of such chief justice, chief baron, or judge, and the time for which such appointment is to continue, shall be specified and set forth in such deputation, and such deputation shall be signed or endorsed by such chief justice, chief baron, or judge; and the period mentioned in such deputation may, on the application of the master, be afterwards prolonged, if necessary, by such officer or assistant, with the approbation of such chief justice, chief baron, or judge, by endorsement of the said officer or assistant, and of the said chief justice, chief baron, or judge, upon such deputation: Provided always, that such deputation shall not be liable to or chargeable with any stamp duty whatsoever.

Signature of pleadings, &c. in temporary absence of officers. XXV. AND whereas inconvenience may arise from the temporary absence of any of the officers or assistants whose duty it is, under the direction in the schedule to this Act annexed, to sign any writ, pleading, or instrument, unless provision be made for such contingency: Be it therefore enacted, that at all times the signature of the master shall be good and valid in lieu of the signature of any of the officers or assistants, and that in the temporary absence of the master the Acts and signature of his principal assistant shall be good and valid to any pleading, proceeding, or instrument requiring the signature or superintendence of said master.

XXVI. AND whereas it may so happen that occasionally or at certain periods of the year the assistants or clerks in some of the said offices may not have sufficient occupation in the business strictly belonging to their offices respectively, whilst at the same time there may be an undue or unusual pressure of business upon the assistants and clerks in some other of the said offices, or some business of an occasional nature which the master may be required or find necessary to have performed in the discharge of his duty as principal officer, and it is expedient to provide against the necessity of employing extra or additional clerks in such cases: Be it therefore enacted, that it shall and may be lawful for the master of each court respectively, and he is hereby required, in the exercise of his superintendence, in every such case as is hereby contemplated to order, direct, and cause any of the said assistants and clerks attached to the court of which he is master, who may not have sufficient occupation at any time or times as herein-before mentioned in

Master may employ assistants or clerks who may have leisure in other departments of his office. XXIX. And be it enacted, that to provide for cases in which it may be

Administration of affidavits, &c. to persons confined by illness or in custody.

necessary to administer affidavits or affirmations to persons confined by illness. or detained in prison in the city of Dublin, or within ten miles thereof, it shall be the duty of the officers and assistants hereby authorized to take affidavits or affirmations, under such regulations as to rotation as the master of their court shall make, to proceed, when required, within reasonable hours on business days, to the place in which the person to be sworn or affirmed shall be so confined, and there to administer such affidavit or affirmation: Provided always, that no officer or assistant shall be required to administer any affidavit or affirmation at any other place or time than at his office, and during office hours, except in the cases of illness or custody hereby contemplated, and then only upon the production of a proper certificate of such custody, or in the case of illness the certificate of a duly qualified medical man, stating the inability of the person requiring to be sworn or affirmed to attend at the office without danger to the life or health of such person, and that the illness of such person is not of an infectious or contagious nature: Provided also, that any expence of carriage hire to be incurred by such officer or assistant in attending as aforesaid shall be previously defrayed by the persons requiring such attendance.

Certificate to be produced in such cases.

Cost of attendance.

The judge opening the court on the first day of term shall examine the state of the records there.

XXX. And be it enacted, that in each and every of the said several courts, on the first day of each and every term, the judge who shall open the court on that day shall immediately after the opening the same satisfy himself, so far as he can by personal inspection, that the records of each and every of the said courts respectively are duly and regularly kept and preserved, so as to be safe, dry, sound, and legible, and in such order and arrangement, and with such means of reference to the same, that all persons having occasion to inspect the same respectively shall and may have easy access thereto, and the said judge shall report to the other judges of the court the result of such examination; and if there shall be any default or error therein, the same shall be (as soon as may be) examined into by the court, and shall be rectified as soon as possible.

Officers of the courts not to practice as barristers or attornies,

under penalty of dismissal.

XXXI. And be it enacted, that every person hereby appointed, or who shall at any time after the passing of this Act be appointed, to be an officer, assistant, or clerk of or in any of the offices in the said several courts in this Act, and the schedules thereto annexed, mentioned and specified, shall be and is hereby declared to be incapable of practising as a barrister, or as an attorney or solicitor, or as agent or clerk of any attorney or solicitor, in any court of law or equity in Ireland, either separately or in partnership with any other, or in the name of any other person or persons, during such time as such person shall hold the situation, office, or employment of an officer, assistant, or clerk in any of the said offices; and if any officer, assistant, or clerk shall so practise as such barrister, attorney, solicitor, agent, or clerk, while he shall hold the situation, office, or employment to which he shall have been appointed, contrary to the true intent and meaning of this Act, the chief justice or chief baron of the court in which such person shall be employed shall, on sufficient proof of the same, dismiss the person so offending from his office or employment; and the person so dismissed shall be rendered incapable of ever after holding any office or employment in any of the said courts.

principles of taxation, to be prepared and varied from time to time.

Pursuivant of the Court of Exchequer abolished; and his duties transferred to the serjeantat-arms. and allowances and charges it may in future be reasonable and proper for the taxing officers or officer to allow in their or his taxation of costs in common law business, and also from time to time to vary such table or tables, and to make such rules as may appear to them proper to regulate the principles upon which such taxation shall in future be conducted, and that all such fees, allowances, and charges shall be payable in British currency.

SCHEDULES referred to and made Part of the foregoing Act.

SCHEDULE (A.)

DESCRIBING the several Officers in the Civil Side of the Court of Queen's Bench in Ireland, their Assistants and Clerks [Rep., Stat. Law Rev. Act, 1874 (No. 2).], and the Duties . . . of such Officers, Assistants, and Clerks respectively [Rep., Stat. Law Rev. Act, 1874 (No. 2).].

PRINCIPAL DEPARTMENT.

MASTER—To exercise the general superintendence directed by this Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not hereby expressly referred to any other officer; to examine into, mark, and sign all judgments, assignments, satisfactions, revivals, . . . of judgments; to entertain and report upon all references; to strike special juries; to cause to be kept books containing proper entries of the marking, satisfaction, and assignment of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to check the making of negative searches, and to sign the certificates thereof, [until Parliament shall otherwise provide for the discharge of such duties,] [Rep., Stat. Law Rev. Act, 1874 (No. 2). and all certificates respecting the matters hereby specially referred to him as his immediate business; to prepare or cause to be prepared all enrolments of the records in the civil side of the court; to cause all transcripts of records for trial at nisi prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official business whatsoever of or belonging to the offices of the court, which it is not the proper duty of the other officers to do -

SCHEDULE (B.)

DESCRIBING the several Officers of the Court of Common Pleas in Ireland, their Assistants and Clerks [Rep., Stat. Law Rev. Act, 1874 (No. 2).], and the Duties . . . of such Officers, Assistants, and Clerks respectively [Rep., Stat. Law Rev. Act, 1874 (No. 2).].

PRINCIPAL DEPARTMENT.

.- To exercise the general superintendence THE MASTER . . directed by this Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not hereby expressly referred to any other officer; to examine into, mark, and sign all judgments, assignments, satisfactions, revivals, . . : of judgments; to entertain and report upon all references; to strike special juries; to cause to be kept books containing proper entries of the marking, satisfaction, and assignment of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to check the making of negative searches, and to sign the certificates thereof, [until Parliament shall otherwise provide for the discharge of such duties,] [Rep., Stat. Law Rev. Act, 1874 (No. 2). and all certificates respecting the matters hereby specially referred to him as his immediate business; to prepare or cause to be prepared all enrolments of the records of the court; to cause all transcripts of records for trial at nisi prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official business whatsoever of or belonging to the offices of the court, which it is not the proper duty of the other officers to do

Principal Assistant . . :—To examine and sign records, enrolments, and writs after judgment, and to aid the master in the business of marking satisfaction and assignment of judgments, and in all matters respecting judgments generally [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT —To receive, file, and make entries of pleadings and documents, to attest copies thereof, and to attend generally to all business connected therewith [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

RECORD DEPARTMENT.

RECORD ASSISTANT . . .—To have the care and custody of the records and judgment rolls of the said court, and of the books of record, containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfactions and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they may be easy of reference, and to produce the same for public information within the hours fixed by the master; to aid the master in checking searches; and to do all such acts as properly belong to his office [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

FIRST CLERK [] to make entries in books relating to judgments [Rep., Stat. Law Rev. Act, 1874 (No. 2).] - -

PRINCIPAL DEPARTMENT—continued.

signed; and generally to do or cause to be done all official business whatsoever of or belonging to the officers of the court, which it is not the proper duty of the other officers of the said court to do

PRINCIPAL ASSISTANT . . .—To examine and sign records, enrolments, and writs after judgment, and to aid the master in the business of marking satisfaction and assignment of judgments, and in all matters respecting judgments generally [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT . . .—To receive, file, and make entries of pleadings and documents, to attest copies thereof, and to attend generally to all business connected therewith [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

RECORD DEPARTMENT.

RECORD ASSISTANT . . .—To have the care and custody of the judgment rolls of the said court, and of the books of record, containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfactions and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they may be easy of reference, and to produce the same for public information within the hours fixed by the master; to aid the master in checking searches; and to do all such acts as properly belong to his office [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

First Clerk . . .—To make entries in books relating to judgments [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

RULES DEPARTMENT.

CLERK OE THE RULES . . .—Performing the present duties of the office [Rep., Stat. Law Rev. Act, 1874 (No. 2).] -

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

CLERK OF WRITS, APPEARANCES, AND SEAL . . .—To enter and seal all writs that issue from and are returnable into the court; to receive, file, and enter affidavits upon which fiats are granted for writs to hold to bail; to receive, file, and enter all returned writs; ; to seal all records and other documents requiring to be sealed, according to the practice heretofore observed; to register in a book, similar to that hitherto kept in the seal office, attornies licences; to furnish and attest copies of the said several matters, and to do all such acts as properly belong to said offices

Regulations as to taking, &c. spawn,

and unseasonable fish.
Regulations as to nets, &c. in mill pools, &c.

As to eel weirs.

Regulations against fishing with lights, &c. at night.

openings, and the removal of obstructions, and directing certain acts, matters, and things to be done, and prohibiting other acts, matters, and things to be done, during and in relation to such weekly close seasons respectively; and also all and singular the regulations of the said last-recited Act prohibiting any person wilfully taking, selling, purchasing, or having in his possession the spawn, smelts, or fry of salmon, or of trout, or of eels, or in any way or by any device wilfully obstructing the passage of the said smelts or fry, or injuring or disturbing any such spawn or fry, or any spawning bed, bank, or shallow where the same may be; and also all and singular the regulations of the said Act prohibiting any person wilfully taking, killing, destroying, exposing to sale, or having in his possession, any red, black, foul, unclean, or unseasonable salmon or trout; and also all and singular the regulations of the said Act prohibiting any person, in any season of the year, in any mill pool or mill dam, or in any works appurtenant to any mill or factory, or in any of the watercourses leading the water to or from such mill or factory, placing, laying, setting, or drawing any net, grate, creel, or other engine, or using any means or device whatsoever, (save and except rod and line used subject to the provisions of the said Act,) for the purpose of taking, destroying, or obstructing any salmon or other fish, or the fry thereof; and also all and singular the regulations of the said Act prohibiting the proprietor or tenant of any eel weir taking or suffering to be taken therein any salmon or trout, or salmon or trout fry, or spent salmon; and also all and singular the regulations of the said last-recited Act prohibiting, between sun-set and sun-rise, the having or using any light or fire, spear, gaff, strokeall, or other such instrument, with intent to take salmon or other fish in or on the banks of any lake or river, or chasing, injuring, or disturbing spawning fish or fish on spawning beds, or attempting to catch fish in such places, (except with rod and flies only within the lawful period,) or damming or teeming or emptying any river or mill-race for the purpose of taking or destroying any salmon or trout, or the fry thereof.

III. And whereas by the said last-recited Act it is provided, that the commissioners for the execution of the said Act may, if they shall so think fit, decide that the period by the said Act appointed for the close time for the fisheries in particular localities shall cease, and that such other period as shall be fixed upon by the said commissioners as the close time for any of such fisheries respectively shall be kept and observed in lieu thereof, or to alter the period within which it shall not be lawful to hang any coghill or other nets in the gaps, eyes, or sluices of eel or other weirs, or make use of fixed engines for taking eels: And whereas it is expedient for such purpose to extend to the inspectors of fisheries appointed by the said commissioners the power to hear and receive evidence, and to examine and inquire into the subject of such fisheries: Be it therefore enacted, that it shall and may be lawful for any inspector of fisheries by the said commissioners duly appointed, at the direction and by the order of the said commissioners, to attend at any meeting by the said commissioners convened respecting the fisheries in any particular locality; and that the said inspector of fisheries shall hear and receive all such pertinent evidence as shall be offered to him upon the subject of the said fisheries, and shall examine and inquire into the same upon oath (which oath the said inspector is hereby authorized and empowered to administer), or

Inspector of fisheries empowered to receive evidence to enable commissioners to alter the close seasons, &c. in any river or district.

lished as decisions as to close time. decision of the said commissioners respecting the close time of any district, lake, or river.

VII. AND whereas it is enacted by the said Act of the fifth and sixth of her present Majesty, that no person shall, at any time between sun-rise and sunset, set, either in the sea or within the tide-way in any estuary, any sea net for the catching of herrings, or any trammel net, or leave any drag or other net in the water, between sun-rise and sun-set, except stake or fixed nets for the catching of salmon as therein-after provided, and save also seines or drift nets for pilchards or fish other than herrings: And whereas it has been found expedient to permit, under certain restrictions, the use of seine nets for the taking of herrings: Be it therefore enacted, that, notwithstanding any thing in the said recited Act to the contrary, it shall and may be lawful to and for all persons to use seine nets for the catching of herrings, save and except in such places and at such times as shall or may hereafter be forbidden by any bye law, rule, or regulation, to be hereafter made by the said commissioners.

Use of seine nets for catching herrings, lawful.

When the commissioners have defined the mouth of any river, a copy of such definition to be deposited with the clerk of the peace; and a certified copy thereof to evidence.

VIII. AND whereas by the said Act of the sixth year of her present Majesty the commissioners for the execution thereof are authorized and empowered to define the mouths of rivers under the circumstances and for the purposes therein mentioned; and it is expedient to provide for the due publication of all definitions to be so made by the said commissioners, and proof thereof in all courts of law or justice: Be it therefore enacted, that when and so soon as the said commissioners shall and may from time to time define the mouth or entrance of any river, under the provisions of the said Act, a copy of the definition to be so made shall be deposited with the clerk or clerks of the peace for the county or counties in which the mouth or entrance of such river as so defined shall be situated; and in all cases when it shall hereafter become necessary to prove such definition in any court of law or justice or elsewhere, a copy, obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of such definition.

Provision as to the mode of proceeding in cases of applications by women who are pregnant. whom any application shall be made by any such woman being pregnant shall summon the man to appear at some petty session at which he usually acts to be held on a day after the time when the said mother shall expect the child to be born, provided that if on such day the woman shall not have been delivered, or the justices shall be satisfied that she has been delivered at so short a period before such day that she cannot appear at the said session, it shall be lawful for the justices thereat to adjourn the hearing of the said case until some other day, and so from time to time until the child shall have been born, and the woman shall be able to attend at the said session; and it shall be lawful for the justices at their petty session to make an order in respect of any such application so made by such woman so pregnant to a justice as aforesaid, if she apply at such petty session within the space of two calendar months from the birth of the child, although more than forty days shall have elapsed from the time when the summons was served upon the alleged father, or was left at his last place of abode.

Putative father may abandon his appeal, and his recognizance shall not be estreated. V. And be it enacted, that if at any time before the hearing of the appeal the putative father who shall have entered into any such recognizance shall give notice in writing of his abandonment of the appeal to the mother of the child in whose favour the order shall have been made, and to the justice or justices before whom the said recognizance shall have been taken, and shall pay or tender to the said mother all sums then due under the said order, and such costs and expences as she shall have incurred by reason of such notice of appeal, the said recognizance so entered into by the said putative father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

7 & 8 Vict. c. 101, s. 3.

VI. And whereas by the said recited Act it is enacted, that where any woman shall apply to the justices at a petty session for an order upon the person whom she shall allege to be the father of her bastard child, such justices shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the said mother be corroborated in some material particular by other testimony, to the satisfaction of the said justices, they may make such order as is therein set forth: And whereas power is thereby given to the putative father to appeal to the general quarter sessions of the peace against such order, but it is not therein set forth what evidence the said general quarter sessions shall or may hear on the trial of such appeal, and doubts have been raised as to whether the said mother can be heard by the said court of quarter sessions: Be it therefore enacted, that on the trial of any such appeal before any court of quarter sessions the justices therein assembled, or the recorder, (as the case may be,) shall hear the evidence of the said mother, and such other evidence as she may produce, and any evidence tendered on behalf of the appellant, and proceed to hear and determine the said appeal in other respects according to law, but shall not confirm the order so appealed against unless the evidence of the said mother shall have been corroborated in some material particular by other testimony, to the satisfaction of the said justices in quarter session assembled, or the said recorder.

The evidence of the mother of the bastard child, &c. to be received by the court of quarter sessions, on appeal against the order in bastardy ; but order not to be confirmed unless her evidence is corroborated. Parties may be heard at the petty

VII. And be it enacted, that it shall be lawful for any woman who shall apply to the justices at any petty session for any such order as aforesaid to be

Interpretation of the word "recorder."

XI. And be it enacted, that in the said first-recited Act and in this Act the word "recorder" shall be taken to apply to any person who shall preside as the judge at any court of general or quarter session held for any city, borough, liberty, or other place of limited jurisdiction.

CHAPTER XI.

An Act for assigning Sheriffs in Wales.

[8th May 1845.]

Sheriffs to be appointed in Wales in the same manner as in England. WHEREAS it is convenient that the sheriffs in each of the shires in Wales be nominated and appointed in like manner as is used in other parts of England: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, that after the passing of this Act the sheriffs in each shire in Wales shall be assigned, ordained, nominated, and appointed at the same time and place, and in like manner and form, as is used according to law for sheriffs in the shires of England.

CHAPTER XV.

An Act to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom. [8th May 1845.]

6 Geo. 4. c. 81.

THEREAS by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to repeal several "duties payable on excise licences in Great Britain and Ireland, and to impose " other duties in lieu thereof, and to amend the laws for granting excise " licences," a certain duty of excise is imposed for and upon every licence to be taken out by every person exercising or carrying on the trade or business of an auctioneer, or selling any goods or chattels, lands, tenements, or hereditaments, by auction; and by a regulation in the said last-recited Act, and by certain other Acts relating to the duties of stamps, auctioneers are required in certain cases to take out separate and distinct licences for selling particular goods and chattels by auction, in addition to their auctioneer's licence: And whereas certain duties of excise upon the purchase money arising or payable by virtue of any sale at auction in Great Britain and Ireland are imposed and regulated by several Acts; (that is to say,) by an Act passed in the fortythird year of the reign of his late Majesty King George the Third, intituled " An Act to repeal the duties of excise payable in Great Britain, and to grant " other duties in lieu thereof"; and by another Act passed in the forty-fifth year of the reign of his said Majesty King George the Third, intituled "An Act " for granting to his Majesty several additional duties of excise in Great " Britain"; and by another Act passed in the fifty-fourth year of the reign of his said Majesty King George the Third, intituled "An Act to grant to his " Majesty duties upon auctions in Ireland, in lieu of former duties thereon, " and to provide for the regulating and securing the collection of the said " duties, and to prevent frauds therein"; and by another Act passed in the

43 Geo. 8. c. 69.

45 Geo. 8. c. 80.

54 Geo. 3. c. 82. an auctioneer as aforesaid without taking out such licence as by this Act directed, shall (except as herein-after in this Act mentioned) forfeit one hundred pounds: Provided always, that auctioneers who have licences in force at the passing of this Act, and which licences do not expire until the fifth day of July now next ensuing, shall not be required to take out the licence by this Act directed for the purpose of carrying on the business of an auctioneer until ten days before the expiration of their current licences, but that every such auctioneer may, at any time within the last quarter of the current year to expire on the said fifth day of July, take out the licence by this Act directed, on payment of a fourth part of the duty imposed on such last mentioned licence; but [Rep., Stat. Law Rev. Act, 1875.] that on every such licence taken out after the said fifth day of July, at whatever period of the year, the full duty of excise by this Act imposed shall be paid, any other Act or Acts to the contrary thereof notwithstanding.

Anctioneer's licence not neçessary in certain cases.

6 Geo. 4. c. 48.

7 Will. 4 &

1 Vict. c. 41.

Repeal of 6 Geo. 4. c. 81. s. 8.,

and of enactments requiring separate licences for sale of plate, patent medicines, or other articles.

V. And be it enacted, that it shall not be necessary for any person selling any goods or chattels by auction in any of the cases herein-after mentioned to take out the licence by this Act required: Any person selling any goods or chattels by auction under a distress for nonpayment of rent or tithes to less amount than twenty pounds; or under authority of an Act passed in the sixth year of the reign of his said late Majesty King George the Fourth, intituled "An Act to alter and amend an Act passed in the thirty-ninth and " fortieth year of King George the Third, for the recovery of small debts in " Scotland"; or under authority of an Act passed in the seventh year of the reign of his said Majesty King William the Fourth and the first year of the reign of her said Majesty, intituled "An Act for the " more effectual recovery of small debts in the sheriff courts, and for regulating " the establishment of circuit courts for the trial of small debt causes by the " sheriffs in Scotland"; or under authority of any other Act or Acts of Parliament now in force in which the like exemption as by the Act specified is given to the proper officer of court executing the process of such court to sell the effects seized by him by auction without taking out or having any licence as an auctioneer, provided the sum for which such process is enforced is under twenty pounds.

VI. AND be it enacted, that so much of the said recited Act of the sixth year of the reign of his said late Majesty King George the Fourth as enacts "that every person " exercising or carrying on the trade or business of an auctioneer, or selling any goods " or chattels, lands, tenements, or hereditaments, by auction, shall, over and above any " licence to him or her granted as an auctioneer, take out such licence as is required by " law to deal in or retail, or to vend, trade in, or sell, any goods or commodities, for the " dealing in or retailing, or vending, trading in, or selling of which an excise licence is " specially required, before he or she shall be permitted or authorized to sell such goods " or commodities by auction; and if any such person shall sell any such goods or com-" modities as aforesaid by auction without having taken out such licence as aforesaid for that purpose, he or she shall be subject and liable to the penalty in that behalf " imposed upon persons dealing in or retailing, vending, trading, or selling, any such goods or commodities without licence, notwithstanding any licence to him or her before granted as aforesaid for the purpose of exercising or carrying on the trade or business of an auctioneer, or selling any goods or chattels, lands, tenements, or hereditaments, by auction, any thing herein contained to the contrary notwithstand-" ing," together with the proviso thereto attached, and [] so much of any other Act or Acts of Parliament by which it is required that a separate and distinct licence shall be taken out by any auctioneer selling by auction gold or silver plate, or patent medicines, or any other articles, are hereby repealed; and any

Ja Section 6, so far as it relates to the repeal of part of 6 Geo. 4. c. 81., is rep., Stat. Law Rev. Act, 1875.

CHAPTER XVI.

An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature. [8th May 1845.]

TATHEREAS it is expedient to comprise in one general Act sundry provisions relating to the constitution and management of joint stock companies, usually introduced into Acts of Parliament authorizing the execution of undertakings of a public nature by such companies, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: May it therefore please your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that this Act shall apply to every joint stock company which shall by any Act which shall hereafter be passed be incorporated for the purpose of carrying on any undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the company which shall be incorporated by such Act, and to the undertaking for carrying on which such company shall be incorporated, so far as the same shall be applicable thereto respectively; and such clauses and provisions, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

Act to apply to all companies incorporated by Acts bereafter to be passed.

Interpretations in this Act:

II. And with respect to the construction of this Act, and of other Acts to be incorporated therewith, be it enacted as follows:

The expression "the special Act" used in this Act shall be construed to

mean any Act which shall be hereafter passed incorporating a joint stock company for the purpose of carrying on any undertaking, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in

this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose " in the special Act" had been used; and the expression "the undertaking"

" The special Act":

" Prescribed":

" The undertaking."

> special Act be authorized to be executed. III. THE following words and expressions both in this and the special Act shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say,)

> shall mean the undertaking or works, of whatever nature, which shall by the

Interpretations in this and the special Act:

> Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number:

Number:

Gender:

Words importing the masculine gender only shall include females:

"Lands":

The word "lands" shall extend to messuages, lands, tenements, and hereditaments, of any tenure:

Distribution of capital.

Shares to be personal estate.
Shareholders.

VII. ALL shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

VIII. EVERY person who shall have subscribed the prescribed sum or upwards to the capital of the company, or shall otherwise have become entitled to a share in the company, and whose name shall have been entered on the register of shareholders herein-after mentioned, shall be deemed a shareholder of the company.

Registry of shareholders.

IX. THE company shall keep a book, to be called the "Register of Share"holders"; and in such book shall be fairly and distinctly entered, from time
to time, the names of the several corporations, and the names and additions of
the several persons, entitled to shares in the company, together with the
number of shares to which such shareholders shall be respectively entitled,
distinguishing each share by its number, and the amount of the subscriptions
paid on such shares, and the surnames or corporate names of the said shareholders shall be placed in alphabetical order; and such book shall be authenticated by the common seal of the company being affixed thereto; and such
authentication shall take place at the first ordinary meeting, or at the next
subsequent meeting of the company, and so from time to time at each ordinary
meeting of the company.

Addresses of shareholders.

X. In addition to the said register of shareholders, the company shall provide a book, to be called the "Shareholders Address Book," in which the secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the company, being corporations, and the surnames of the several other shareholders, with their respective christian names, places of abode, and descriptions, so far as the same shall be known to the company; and every shareholder, or if such shareholder be a corporation the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof or of any part thereof; and for every hundred words so required to be copied the company may demand a sum not exceeding sixpence.

Certificates of shares to be issued to the shareholders. XI. On demand of the holder of any share the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto; and such certificate shall specify the share in the undertaking to which such shareholder is entitled; and the same may be according to the form in the schedule (A.) to this Act annexed, or to the like effect; and for such certificate the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed then a sum not exceeding two shillings and sixpence.

Certificate to be evidence.

XII. THE said certificate shall be admitted in all courts as prima facie evidence of the title of such shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

Certificate to be renewed when destroyed. XIII. If any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or

Transfer of shares.

mission shall be authenticated by a declaration in writing as herein-after mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which and the party to whom such share shall have been so transmitted, and shall be made and signed by some credible person before a justice, or before a master or master extraordinary of the High Court of Chancery; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the register of shareholders; and for every such entry the company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed then not exceeding five shillings; and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the undertaking, nor to vote in respect of any such share as the holder thereof.

Proof of transmission by marriage, will, &c. XIX. If such transmission be by virtue of the marriage of a female share-holder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid the secretary shall make an entry of the declaration in the said register of transfers.

Company not bound to regard trusts.

XX. THE company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the names of more parties than one the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid upon such receipt.

Payment of calls.

And with respect to the payment of subscriptions and the means of enforcing the payment of calls, be it enacted as follows:

Subscriptions to be paid when called for. XXI. THE several persons who have subscribed any money towards the undertaking, or their legal representatives, respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the company, at such times and places as shall be appointed by the company; and with respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the legal personal representatives of such shareholder.

Power to make calls.

XXII. It shall be lawful for the company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that twenty-one days notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be

Nonpayment of calls.

Forfeiture of shares for nonpayment of calls.

Notice of forfeiture to be given before declaration thereof. XXIX. Ir any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the company have sued for the amount of such call or not.

XXX. Before declaring any share forfeited the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the shareholders address book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as herein-before mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted or may for the time being belong shall not be known to the directors, the directors shall give public notice of such intention in the London or Dublin Gazette, according as the company's principal place of business shall be situate in England or Ireland, and also in some newspaper, as after mentioned; and the several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

Forfeiture to be confirmed by a general meeting. XXXI. The said declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the company, to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

Sale of forfeited shares. XXXII. AFTER such confirmation as aforesaid it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract, and, if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

Evidence as to forfeiture of shares. XXXIII. A declaration in writing, by some credible person not interested in the matter, made before any justice, or before any master or master extraordinary of the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner herein-before required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the treasurer of the company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Power to borrow money.

Evidence of authority for borrowing. XL. Where by the special Act the company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such borrowing, the certificate of a justice that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the company authorizing the borrowing of any money, certified by one of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made; and upon production to any justice of the books of the company, and of such other evidence as he shall think sufficient, such justice shall grant the certificate aforesaid.

Mortgages and bonds to be stamped.

XLI. EVERY mortgage and bond for securing money borrowed by the company shall be by deed under the common seal of the company, duly stamped, and wherein the consideration shall be truly stated; and every such mortgage deed or bond may be according to the form in the schedule (C.) or (D.) to this Act annexed, or to the like effect.

Rights of mortgagees.

XLII. THE respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

Application of calls, notwithstanding mortgages. XLIII. No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the company from receiving and applying to the purposes of the company any calls to be made by the company.

Rights of obligees.

XLIV. THE respective obligees in such bonds shall, proportionally according to the amount of the monies secured thereby, be entitled to be paid, out of the tolls or other property or effects of the company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

Register of mortgages and bonds. XLV. A REGISTER of mortgages and bonds shall be kept by the secretary, and within fourteen days after the date of any such mortgage or bond an entry or memorial, specifying the number and date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the company, or by any person interested in any such mortgage or bond, without fee or reward.

Transfers of mortgages and bonds to be stamped. XLVI. Any party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the schedule (E.) to this Act annexed, or to the like effect.

Power to borrow money.

Arrears of interest, when to be enforced by appointment of a receiver.

Arrears of principal and interest.

Appointment of receiver.

Access to account books by mortgagees.

Loans.

Power to convert loan into capital.

New shares to be considered pay the principal and interest due at the expiration of such notice on such mortgage or bond.

LIII. WHERE by the special Act the mortgagees of the company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages, by the appointment of a receiver. then, if within thirty days after the interest accruing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a receiver, by an application to be made as herein-after provided; and if within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the prescribed sum alone, or, if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts, being so in arrear, after demand as aforesaid, shall, together with his, amount to the prescribed sum, require the appointment of a receiver, by an application to be made as herein-after provided. LIV. EVERY application for a receiver in the cases aforesaid shall be made

to two justices, and on any such application it shall be lawful for such justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully paid; and upon such appointment being made all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

LV. At all seasonable times the books of account of the company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

And with respect to the conversion of the borrowed money into capital, be it enacted as follows:

LVI. It shall be lawful for the company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the company, instead of borrowing the same, or, having borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof by creating new shares; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the company.

LVII. THE capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or

Consolidation of shares.

Register of stock.

LXIII. THE company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of "Consolidated Stock," and such book shall be accessible at all seasonable times to the several holders of shares or stock in the undertaking.

Proprietors of stock entitled to dividends, and to the same privileges as owners of corresponding amounts of shares. LXIV. THE several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages, for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

Application of capital.

LXV. And be it enacted, that all the money raised by the company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expences incurred in obtaining the special Act, and all expences incident thereto, and, secondly, in carrying the purposes of the company into execution.

General Meetings. And with respect to the general meetings of the company, and the exercise of the right of voting by the shareholders, be it enacted as follows:

Ordinary meetings to be held half-yearly.

LXVI. THE first general meeting of the shareholders of the company shall be held within the prescribed time, or if no time be prescribed within one month after the passing of the special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed in the months of February and August in each year, or at such other stated periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so appointed to be held as aforesaid shall be called "Ordinary" Meetings"; and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any, and if no place be prescribed, then at some place to be appointed by the directors.

Business at ordinary meetings.

LXVII. No matters, except such as are appointed by this or the special Act to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

Extraordinary meetings. LXVIII. EVERY general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting"; and such meetings may be convened by the directors at such times as they think fit.

Business at extraordinary meetings. Extraordinary meetings may be required by shareholders. LXIX. No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

LXX. It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or, where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for twenty or more shareholders holding in the aggregate not less than one tenth of the capital of the company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the company; and

General Meetings.

Manner of voting.

LXXVI. THE votes may be given either personally or by proxies, being shareholders, authorized by writing according to the form in the schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal and proxy, but to have a casting vote if there be an equality of votes.

Regulations as to proxies.

LXXVII. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the company the prescribed period, or, if no period be prescribed, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

Votes of joint share-holders.

LXXVIII. If several persons be jointly entitled to a share, the person whose name stands first in the register of shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Votes of lunatics and minors, &c. LXXIX. If any shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee; and if any shareholder be a minor he may vote by his guardian or any one of his guardians; and every such vote may be given either in person or by proxy.

Proof of a particular majority of votes only required in the event of a poll being demanded. LXXX. WHENEVER in this or the special Act the consent of any particular majority of votes at any meeting of the company is required in order to authorize any proceeding of the company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the chairman that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

Appointment and rotation of Directors.

And with respect to the appointment and rotation of directors, be it enacted as follows:

Number of directors. Power to vary the number of directors. LXXXI. THE number of directors shall be the prescribed number.

LXXXII. WHERE the company shall be authorized by the special Act to increase or to reduce the number of the directors it shall be lawful for the company, from time to time, in general meeting, after due notice for that purpose, to increase or reduce the number of the directors within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum at their meetings.

Election of directors.

LXXXIII. The directors appointed by the special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting to be held in the year next after that in which the special Act shall have passed; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the special Act, or any number of them, or may elect a new body of directors, or directors to supply

Appointment and rotation of Directors.

At the end of the second year the prescribed number, and if no number be prescribed one half of the remaining number of such directors, to be determined in like manner, shall go out of office:

At the end of the third year the prescribed number, and if no number be prescribed the remainder of such directors, shall go out of office:

And in each instance the places of the retiring directors shall be supplied by an equal number of qualified shareholders; and at the first ordinary meeting in every subsequent year the prescribed number, and if no number be prescribed one third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless every director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, that if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly one third as may be, shall go out of office, so that the whole number shall go out of office in three years.

Supply of occasional vacancies in office of directors.

LXXXIX. If any director die, or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

Powers of Directors.

And with respect to the powers of the directors, and the powers of the company to be exercised only in general meeting, be it enacted as follows:

Powers of the company to be exercised by the directors.

XC. THE directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Act to be transacted by a general meeting of the company; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

Powers of the company not to be exercised by the directors. XCI. EXCEPT as otherwise provided by the special Act, the following powers of the company, (that is to say,) the choice and removal of the directors, except as herein-before mentioned, and the increasing or reducing of their number, where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

Proceedings of Directors.

And with respect to the proceedings and liabilities of the directors, be it enacted as follows:

Proceedings of Directors. writing, and under the common seal of the company, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then such committee or the directors may make such contract on behalf of the company in writing, signed by such committee or any two of them, or any two of the directors, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, such committee or the directors may make such contract on behalf of the company by parol only, without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be; and on any default in the execution of any such contract, either by the company or any other party thereto, such actions or suits may be brought, either by or against the company, as might be brought had the same contracts been made between private persons only.

Proceedings to be entered in books, and to be evidence.

XCVIII. THE directors shall cause notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the company, and of the directors and committees of directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry, so signed, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which lastmentioned matters shall be presumed, until the contrary be proved. XCIX. ALL acts done by any meeting of the directors, or of a committee of

directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any

such directors or persons acting as aforesaid, or that they or any of them were

or was disqualified, be as valid as if every such person had been duly appointed

and was qualified to be a director.

Informalities in appointment of directors not to invalidate proceedings.

Directors not to be personally

C. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred

Indemnity of directors.

Accountability of officers.

Security to be taken from officers intrusted with money. Officers to account, on demand. CIX. Before any person intrusted with the custody or control of monies, whether treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security from him for the faithful execution of his office.

CX. EVERY officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all monies received by him on behalf of the company; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

Summary remedy against parties failing to account.

CXI. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for three days after being thereunto required he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the company, then, on complaint thereof being made to a justice, such justice shall summon such officer to appear before two or more justices at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him, or left at his last known place of abode, such justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the company are in the hands of such officer, or owing by him to the company, such justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such justices to grant a warrant to levy the same by distress, or, in default thereof, to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

Officers refusing to deliver up documents, &c. to be imprisoned. CXII. If any such officer refuse to make out such account in writing, or to produce and deliver to the justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters, and things, if any, in his possession or power, belonging to the company.

Where officer about to abscond, a warrant may be issued in the first instance.

CXIII. PROVIDED always, that if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the justice before whom the complaint is made, instead of issuing his summons, to

aforesaid, he shall forfeit to such shareholder for every such offence a sum not exceeding five pounds.

Dividends.

And with respect to the making of dividends, be it enacted as follows:

Previously to declaration of dividends a scheme to be prepared. CXX. PREVIOUSLY to every ordinary meeting at which a dividend is intended to be declared the directors shall cause a scheme to be prepared, showing the profits, if any, of the company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

Dividend not to be made so as to reduce capital. CXXI. THE company shall not make any dividend whereby their capital stock will be in any degree reduced: Provided always, that the word "dividend" shall not be construed to apply to a return of any portion of the capital stock, with the consent of all the mortgagees and bond creditors of the company, due notice being given for that purpose at an extraordinary meeting to be convened for that object.

Power to directors to set apart a fund for contingencies. CXXII. BEFORE apportioning the profits to be divided among the share-holders the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

Dividend not to be paid unless all calls paid. CXXIII. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

Bye Laws.

And with respect to the making of bye laws, be it enacted as follows:

Power to make bye laws for the officers of the company. CXXIV. It shall be lawful for the company from time to time to make such bye laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye laws, and make others, provided such bye laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and a copy of such bye laws shall be given to every officer and servant of the company affected thereby.

Fines for breach of such bye laws. CXXV. It shall be lawful for the company, by such bye laws, to impose such reasonable penalties upon all persons, being officers or servants of the company, offending against such bye laws, as the company think fit, not exceeding five pounds for any one offence.

Bye laws to be so framed as that penalties may be mitigated. CXXVI. ALL the bye laws to be made by the company shall be so framed as to allow the justice before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such justice shall think fit.

Evidence of bye laws.

CXXVII. THE production of a written or printed copy of the bye laws of the company, having the common scal of the company affixed thereto, shall Costs to be in the discretion of the arbitrators.

Submission to arbitration to be made rule of court. Notices.

Service of notices upon company.

Service by company on shareholders.

Notices to joint proprictors of shares.

Notices by advertisement.

Authentication of notices.

Proof of debts in bankruptcy.

Tender of amends.

CXXXIII. EXCEPT where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or their umpires, as the case may be.

CXXXIV. THE submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

And with respect to the giving of notices, be it enacted as follows:

CXXXV. Any summons or notice, or any writ, or other proceeding, at law or in equity, requiring to be served upon the company, may be served by the same being left at, or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CXXXVI. NOTICES requiring to be served by the company upon the share-holders may, unless expressly required to be served personally, be served by the same being transmitted through the post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice; and in proving such service it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post office.

CXXXVII. ALL notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

CXXXVIII. ALL notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

CXXXIX. EVERY summons, notice, or other such document, requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

CXL. And be it enacted, that if any person against whom the company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

CXLI. AND be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in

Recovery of damages and penalties.

of business of the company, and where any such penalties are of local applicacation shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

Penalty for defacing boards used for such publication.

CXLVI. Ir any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

Penalties to be summarily recovered before two justices.

CXLVII. EVERY penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons, requiring the party complained against to appear before two justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

Penalties may be levied by distress. CXLVIII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress; and such justices, or either of them, shall issue their or his warrant of distress accordingly.

Imprisonment in default of distress.

CXLIX. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture, and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall, by warrant,

Recovery of damages and penalties.

Transient offenders.

CLVI. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some justice, without any warrant or other authority than this or the special Act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Form of conviction.

CLVII. THE justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (G.) to this Act annexed.

Proceedings not to be quashed for want of form, &c. CLVIII. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Appeal.

Parties
allowed to
appeal to
quarter sessions on giving
security.

CLIX. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Court to make such order as they think reasonable. CLX. At the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

Access to special Act.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected. CLXI. THE company shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also, within the space of such six months, deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, and in the office of the town clerk of every burgh or city into which

our Lord

executors, administrators, and assigns, [or successors and assigns,] subjec the several conditions on which I held the same at the time of the execut hereof; and I the said do hereby agre take the said share [or shares] [or stock], subject to the same conditi As witness our hands and seals, the

Schedule (C.)

Form of Mortgage Deed.

"The

Company."

Mortgage, number By virtue of [here name the special Act], we, "The Company," in consideration of the sum of pot , do assign unto the said A paid to us by A.B. of his executors, administrators, and assigns, the said undertaking, [and (in such loan shall be in anticipation of the capital authorized to be raised future calls on shareholders, and all the tolls and sums of money arising virtue of the said Act, and all the estate, right, title, and interest of the pany in the same, to hold unto the said A.B., his executors, administra and assigns, until the said sum of pounds, together interest for the same at the rate of for every one hun pounds by the year, be satisfied [the principal sum to be repaid at the er years from the date hereof (in case any period be ag upon for that purpose)], [at , or any place of payment o than the principal office of the company]. Given under our common this in the ye

SCHEDULE (D.)

FORM of Bond.

" The

Company."

po

Bond, number By virtue of [here name the special Act], we, "The Company," in consideration of the sum of pounds to hand paid by A.B. of , do bind ourselves and successors unto the said A.B., his executors, administrators, and assigns, in penal sum of pounds. The condition of the above obligation is such, that if the said com shall pay to the said A.B., his executors, administrators, or assigns, (in case any other place of payment than the prin

office of the company be intended), on the of which will be in the year one thousand hundred and , the principal sum of pounds, together with interest for the same at the rate of per centum per annum, payable half-yearly on the and day of

CHAPTER XVII.

An Act for consolidating in One Act certain Provisions usually inserte Acts with respect to the Constitution of Companies incorporated carrying on Undertakings of a public Nature in Scotland.

[8th May 18

HEREAS it is expedient to comprise in one general Act sundry provis relating to the constitution and management of joint stock compa usually introduced into Acts of Parliament authorizing the execution of un takings of a public nature by such companies in Scotland, and that as well the purpose of avoiding the necessity of repeating such provisions in each o several Acts relating to such undertakings as for ensuring greater unifor in the provisions themselves: Be it therefore enacted by the Queen's excellent Majesty, by and with the advice and consent of the lords spir and temporal, and commons, in this present Parliament assembled, an the authority of the same, that this Act shall apply to every joint company in Scotland which shall by any Act of Parliament which shall after be passed be incorporated for the purpose of carrying on any undertak and this Act shall be incorporated with such Act, and all the clauses provisions of this Act, save so far as they shall be varied or excepted by such Act, shall apply to the company which shall be incorporated by any and to the undertaking for carrying on which such company shall be inc rated, so far as the same shall be applicable thereto respectively; and enactments and provisions, as well as the enactments and provisions of other Act which shall be incorporated with such Act, shall, save as afor form part of such Act, and be construed together therewith as formin

Act to apply to all companies in Scotland incorporated by Acts hereafter to be passed.

Interpretations in this Act:

"The special Act:"

" Prescribed:"

"The undertaking."

Interpretations in this and the special

Act:

Number:

Gender:

" Lands:" of any description or tenure:

II. And with respect to the construction of this Act, and of other A be incorporated therewith, be it enacted as follows:

The expression "the special Act" used in this Act shall be constru mean any Act which shall be hereafter passed incorporating or constitut joint stock company for the purpose of carrying on any undertaking, and which this Act shall be so incorporated as aforesaid; and the word "prescr used in this Act, in reference to any matter herein stated, shall be cons to refer to such matter as shall be prescribed or provided for in the s Act; and the sentence in which such word shall occur shall be construed instead of the word "prescribed" the expression "prescribed for that pr " in the special Act" had been used; and the expression "the undertal shall mean the undertaking or works, of whatever nature, which shall h special Act be authorized to be executed.

III. THE following words and expressions both in this and the specishall have the several meanings hereby assigned to them, unless the something in the subject or the context repugnant to such construction; is to say,)

Words importing the singular number only shall include the plural nu . and words importing the plural number only shall include the sin

Words importing the masculine gender only shall include females: The word "lands" shall extend to houses, lands, tenements, and heri Distribution of capital.

personal estate. Shareholders.

Shares to be

Registry of shareholders. progression, beginning with number one; and every such share shall be disti guished by its appropriate number.

VII. ALL shares in the undertaking shall be personal estate, and transmissil as such, and shall not be of the nature of real estate.

VIII. EVERY person who shall have subscribed the prescribed sum upwards to the capital of the company, or shall otherwise have become entit to a share in the company, and whose name shall have been entered on register of shareholders herein-after mentioned, shall be deemed a sharehold of the company, and shall be entitled to have one share therein allotted to h in respect of every sum of the prescribed amount so subscribed by him.

IX. THE company shall keep a book, to be called the "Register of Sha "holders"; and in such book shall be fairly and distinctly entered, from time time, the names of the several corporations, and the names and additions of several persons, entitled to shares in the company, together with the num of shares to which such shareholders shall be respectively entitled, distingui ing each share by its number, and the amount of the subscriptions paid such shares; and the surnames or corporate names of the said sharehold shall be placed in alphabetical order; and such book shall be authenticated the common seal of the company being affixed thereto; and such authorized tication shall take place at the first ordinary meeting, or at the next subsequ meeting of the company, and so from time to time at each ordinary meeting the company.

Addresses of shareholders.

X. In addition to the said register of shareholders, the company shall r vide a book, to be called the "Shareholders Address Book," in which secretary shall from time to time enter in alphabetical order the corpor names and places of business of the several shareholders of the company, be corporations, and the surnames of the several other shareholders, with the respective christian names, places of abode, and descriptions, so far as same shall be known to the company; and every shareholder, or if such sha holder be a corporation the clerk or agent of such corporation, may at convenient times peruse such book gratis, and may require a copy thereof, of any part thereof; and for every hundred words so required to be copied company may demand a sum not exceeding sixpence.

Certificates of shares to be issued to the shareholders

XI. On demand of the holder of any share the company shall caus certificate of the proprietorship of such share to be delivered to such share holder; and such certificate shall have the common seal of the company affi thereto; and such certificate shall specify the share in the undertaking which such shareholder is entitled; and the same may be according to form in the schedule (A.) to this Act annexed, or to the like effect; and such certificate the company may demand any sum not exceeding the prescri amount, or if no amount be prescribed then a sum not exceeding two shill and sixpence.

Certificate to be evidence.

XII. THE said certificate shall be admitted in all courts as prima f evidence of the title of such shareholder, his executors, administrat successors, or assigns, to the share therein specified; nevertheless the w of such certificate shall not prevent the holder of any share from dispos thereof.

Certificate to be renewed when destroyed.

XIII. If any such certificate be worn out or damaged, then, upon the sa being produced at some meeting of the directors, such directors may order Transfer of shares.

Closing of transfer books.

Transmission of shares by other means than transfer to be authenticated by a declaration. XVIII. It shall be lawful for the directors to close the register of traffer the prescribed period, or if no period be prescribed then for a period exceeding fourteen days previous to each ordinary meeting, and they meeting a day for the closing of the same, of which seven days notice shall be by advertisement in some newspaper as after mentioned; and any transded during the time when the transfer books are so closed shall, as be the company and the party claiming under the same, but not otherwise considered as made subsequently to such ordinary meeting.

XIX. If the interest in any share have become transmitted in consecutive of the death or bankruptcy or insolvency of any shareholder, or in consec of the marriage of a female shareholder, or by any other lawful means the a transfer according to the provisions of this or the special Act such mission shall be authenticated by a declaration in writing as herein mentioned, or in such other manner as the directors shall require; and such declaration shall state the manner in which and the party to whom share shall have been so transmitted, and shall be made and signed by credible person before a sheriff or justice; and such declaration shall be with the secretary, and thereupon he shall enter the name of the entitled under such transmission in the register of shareholders; and for such entry the company may demand any sum not exceeding the pres amount, and where no amount shall be prescribed then not exceeding shillings; and until such transmission has been so authenticated no claiming by virtue of any such transmission shall be entitled to receive share of the profits of the undertaking, nor to vote in respect of an share as the holder thereof.

Proof of transmission by marriage, will, &c. XX. If such transmission be by virtue of the marriage of a female holder, the said declaration shall contain a copy of the register of such me or other particulars of the celebration or effecting thereof, and shall declarative of the wife with the holder of such share; and if such transplace taken place by virtue of any testamentary instrument, or by interpretate of the will or the letters of administration, or an official therefrom, obtained from any prerogative court if granted in England testament testamentary or testament dative if expede in Scotland, official extract thereof, shall, together with such declaration, be product the secretary; and upon such production in either of the cases afthe secretary shall make an entry of the declaration in the said registransfers.

Company not bound to regard trusts. XXI. THE company shall not be bound to see to the execution of any whether express, implied, or constructive, to which any of the said shar be subject; and the receipt of the party in whose name any such shar stand in the books of the company, or if it stands in the names of more than one the receipt of the party first named in the register of share and then surviving, shall from time to time be a sufficient discharge company for any dividend or other sum of money payable in respect of share, notwithstanding any trust to which such share may then be and whether or not the company have had notice of such trusts; a company shall not be bound to see to the application of the money paid such receipt.

Payment of calls.

Matter to be proved in action for calls.

XXVIII. On the trial or hearing of such action or suit it shall be sufficited to prove that the defender at the time of making such call was a holder one share or more in the undertaking, and that such call was in fact me and such notice thereof given as is directed by this or the special Act; and shall not be necessary to prove the appointment of the directors who me such call, nor any other matter whatsoever; and thereupon the companys be entitled to recover what shall be due upon such call, with interest them unless it shall appear either that any such call exceeds the prescribed amount of that due notice of such call was not given, or that the prescribed interest them the sum prescribed for the total amount of calls in one year had made within that period.

Proof of proprietorship.

Nonpayment of calls.

Forfeiture of shares for nonpayment of calls.

Notice of forfeiture to be given before declaration thereof.

Forfeiture to be confirmed by a general meeting.

Sale of forfeited shares. XXIX. THE production of the register of shareholders shall be prima evidence of such defender being a shareholder, and of the number and am of his shares.

And with respect to the forfeiture of shares for nonpayment of calls, be enacted as follows:

XXX. If any shareholder fail to pay any call payable by him, together the interest, if any, that shall have accrued thereon, the directors, at any after the expiration of two months from the day appointed for paymer such call, may declare the share in respect of which such call was pay forfeited, and that whether the company have sued for the amount of call or not.

XXXI. Before declaring any share forfeited the directors shall cause no fouch intention to be left at or transmitted by the post to the usual or place of abode of the person appearing by the register of shareholders to the proprietor of such share; and if the holder of any such share be about if his usual or last place of abode be not known to the directors, by resolved in the shareholders address book, or owise, or if the interest in any such share shall be known by the director have become transmitted otherwise than by transfer, as herein-before tioned, but a declaration of such transmission shall not have been register aforesaid, and so the address of the parties to whom the same may have transmitted or may for the time being belong shall not be known to directors, the directors shall give public notice of such intention in Edinburgh Gazette, and also in some newspaper as after mentioned; and several notices aforesaid shall be given twenty-one days at least before directors shall make such declaration of forfeiture.

XXXII. THE said declaration of forfeiture shall not take effect, so authorize the sale or other disposition of any share, until such declar have been confirmed at some general meeting of the company, to be held the expiration of two months at the least from the day on which such no fintention to make such declaration of forfeiture shall have been given; it shall be lawful for the company to confirm such forfeiture at any meeting, and by an order at such meeting, or at any subsequent ge meeting, to direct the share so forfeited to be sold or otherwise disposed or

XXXIII. AFTER such confirmation as aforesaid it shall be lawful for directors to sell the forfeited share, either by public auction or private contant, if there be more than one such forfeited share, then either separate

Power to borrow money.

Company may borrow on mortgage or bond.

Power to reborrow.

Evidence of authority for borrowing.

Mortgages and bonds to be by deed duly stamped.

Rights of mortgagees.

Application of calls, notwithstanding mortgages.

Mortgages to be personal estate. And with respect to the borrowing of money by the company on mortg or bond, be it enacted as follows:

XL. If the company be authorized by the special Act to borrow money mortgage or bond, it shall be lawful for them, subject to the restrictions of tained in the special Act, to borrow on mortgage or bond such sums of money shall from time to time, by an order of a general meeting of the companies authorized to be borrowed, not exceeding in the whole the sum prescriby the special Act, and for securing the repayment of the money so borrow with interest, to mortgage the undertaking, and the future calls on the shallers, or to give bonds in manner herein-after mentioned.

XLI. If, after having borrowed any part of the money so authorized to borrowed on mortgage or bond, the company pay off the same, it shall awful for them again to borrow the amount so paid off, and so from time; but such power of reborrowing shall not be exercised without authority of a general meeting of the company, unless the money be reborrowed in order to pay off any existing bond or security.

XLII. Where by the special Act the company shall be restricted a borrowing any money on mortgage or bond until a definite portion of a capital shall be subscribed or paid up, or where by this or the special Act authority of a general meeting is required for such borrowing, the certificate a sheriff that such definite portion of the capital has been subscribed or up, and a copy of the order of a general meeting of the company authors the borrowing of any money, certified by one of the directors or by secretary to be a true copy, shall be sufficient evidence of the fact of the carrequired to be subscribed or paid up having been so subscribed or paid up of the order for borrowing money having been made; and upon production any sheriff of the books of the company, and of such other evidence as he think sufficient, such sheriff shall grant the certificate as aforesaid.

XLIII. EVERY mortgage and bond for securing money borrowed by company shall be by deed under the common seal of the company, stamped, and wherein the consideration shall be truly stated; and every mortgage deed or bond may be according to the form in the schedule ((D.) to this Act annexed, or to the like effect; and every such mortgage shall have the full effect of an assignation in security duly completed.

XLIV. The respective mortgagees shall be entitled one with anoth their respective proportions of the tolls, sums, and premises comprised in mortgages, and of the future calls payable by the shareholders, if comp therein, according to the respective sums in such mortgages mentioned advanced by such mortgagees respectively, and to be repaid the sur advanced, with interest, without any preference one above another by rof priority of the date of any such mortgage, or of the meeting at which same was authorized.

XLV. No such mortgage (although it should comprise future calls o shareholders) shall, unless expressly so provided, preclude the company receiving and applying to the purposes of the company any calls to be by the company.

XLVI. All mortgages and money lent on mortgage to the company be personal estate, and transmissible as such, and shall not be of the natureal estate. Power to borrow money. date of such mortgage or bond, demand payment of the principal money there secured, with all arrears of interest, upon giving six months previous not for that purpose, and in the like case the company may at any time pay the money borrowed, on giving the like notice; and every such notice she in writing or print, or both, and if given by a mortgagee or bond credishall be delivered to the secretary or left at the principal office of the compart and if given by the company shall be given either personally to such mortgage or bond creditor or left at his residence, or if such mortgagee or bond credibe unknown to the directors, or cannot be found after diligent inquiry, a notice shall be given by advertisement in the Edinburgh Gazette, and in so newspaper, as after mentioned.

Interest to cease on expiration of notice to pay off mortgage or bond. LV. If the company shall have given notice of their intention to pay any such mortgage or bond at a time when the same may lawfully be proff by them, then at the expiration of such notice all further interest a cease to be payable on such mortgage or bond, unless, on demand of paymade pursuant to such notice, or at any time thereafter, the company shall to pay the principal and interest due at the expiration of such notice on a mortgage or bond.

Arrears of interest, when to be enforced by appointment of a judicial factor.

LVI. Where by the special Act the mortgagees of the company shall empowered to enforce the payment of the arrear of interest, or the arrear principal and interest, due on such mortgages, by the appointment of a judi factor, then, if within thirty days after the interest accruing upon any s mortgage or bond has become payable, and after demand thereof in writ the same be not paid, the mortgagee may, without prejudice to his right sue for the interest so in arrear in any competent court, require the appo ment of a judicial factor, by an application to be made as herein-after provide and if within six months after the principal money owing upon any mortgage or bond has become payable, and after demand thereof in writ the same be not paid, the mortgagee, without prejudice to his right to sue such principal money, together with all arrears of interest, in any compe court, may, if his debt amount to the prescribed sum alone, or, if his debt not amount to the prescribed sum, he may, in conjunction with o mortgagees whose debts, being so in arrear, after demand as afores shall, together with his, amount to the prescribed sum, require the appo ment of a judicial factor, by an application to be made as herein-s

Arrears of principal and interest.

Appointment of judicial factor. provided.

LVII. EVERY application for a judicial factor in the cases aforesaid shall made to the Court of Session, and on any such application so made, and a hearing the parties, it shall be lawful for the said court, by order in writing appoint some person to receive the whole or a competent part of the tolks sums liable to the payment of such interest, or such principal and interest the case may be, until such interest, or until such principal and interest, as case may be, together with all costs, including the charges of receiving the or sums aforesaid, be fully paid; and upon such appointment being made such tolls and sums of money as aforesaid shall be paid to and received by person so to be appointed; and the money so to be received shall be so money received by or to the use of the party to whom such interest, or a principal and interest, as the case may be, shall be then due, and on who behalf such judicial factor shall have been appointed; and after such interest.

Consolidation of shares.

Power to consolidate shares into stock.

Proprietors of stock may transfer the same.

Register of stock.

Proprietors of stock entitled to dividends, and to the same privileges as holders of corresponding amounts of shares.

Application of capital.

General Meetings.

Ordinary meetings to be held halfyearly. LXIV. It shall be lawful for the company from time to time, with consent of three fifths of the votes of the shareholders present in person proxy at any general meeting of the company, when due notice for that pose shall have been given, to convert or consolidate all or any part of shares then existing in the capital of the company, and in respect where the whole money subscribed shall have been paid up, into a general context, to be divided amongst the shareholders according to their respinterests therein.

LXV. AFTER such conversion or consolidation shall have taken plethe provisions contained in this or the special Act which require or implethe capital of the company shall be divided into shares of any fixed an and distinguished by numbers, shall, as to so much of the capital as shall been so converted or consolidated into stock, cease and be of no effect the several holders of such stock may thenceforth transfer their respinterests therein, or any parts of such interests, in the same manner subject to the same regulations and provisions as or according to which shares in the capital of the company might be transferred under the provious or the special Act; and the company shall cause an entry to be in some book, to be kept for that purpose, of every such transfer; a every such entry they may demand any sum not exceeding the presamount or if no amount be prescribed a sum not exceeding two shilling sixpence.

LXVI. The company shall from time to time cause the names of the same second states.

LXVI. THE company shall from time to time cause the names of the sparties who may be interested in any such stock as aforesaid, with the a of the interest therein possessed by them respectively, to be entered in to be kept for the purpose, and to be called "The Register of Holders of solidated Stock," and such book shall be accessible at all seasonable to the several holders of shares or stock in the undertaking.

LXVII. THE several holders of such stock shall be entitled to part in the dividends and profits of the company, according to the amount of respective interests in such stock; and such interests shall, in proport the amount thereof, confer on the holders thereof respectively the privileges and advantages, for the purpose of voting at meetings of the pany, qualification for the office of directors, and for other purposes, as have been conferred by shares of equal amount in the capital of the conbut so that none of such privileges or advantages, except the participathe dividends and profits of the company, shall be conferred by any part of such amount of consolidated stock as would not, if existing in have conferred such privileges or advantages respectively.

LXVIII. AND be it enacted, that all the money raised by the corwhether by subscriptions of the shareholders, or by loan or otherwise, applied, firstly, in paying the costs and expences incurred in obtaining special Act, and all expences incident thereto, and, secondly, in carrying purposes of the company into execution.

And with respect to the general meetings of the company, and the e of the right of voting by the shareholders, be it enacted as follows:

LXIX. THE first general meeting of the shareholders of the companies held within the prescribed time, or if no time be prescribed with month after the passing of the special Act, and the future general me

General Meetings.

Chairman at general meetings.

Business at meetings, and adjournments.

Votes of shareholders.

Manner of voting.

Regulations as to proxies.

Votes of joint shareholders.

Votes of lunatics and minors, &c.

Proof of a particular majority of votes only LXXVI. At every meeting of the company one or other of the persons shall preside as chairman; that is to say, the chairman of the or in his absence the deputy chairman (if any), or, in the absence chairman and deputy chairman, some one of the directors of the company chairman, and of all the directors, any shareholder to be that purpose by a majority of the shareholders present at such meeting.

LXXVII. The shareholders present at any such meeting shall the execution of the powers of the company with respect to the which such meeting shall have been convened, and those only; and meeting may be adjourned from time to time, and from place to no business shall be transacted at any adjourned meeting other business left unfinished at the meeting from which such adjourn place.

LXXVIII. At all general meetings of the company every sharely be entitled to vote according to the prescribed scale of voting, and scale shall be prescribed every shareholder shall have one vote for up to ten, and he shall have an additional vote for every five shat the first ten shares held by him up to one hundred, and an addition every ten shares held by him beyond the first hundred shares always, that no shareholder shall be entitled to vote at any meeting shall have paid all the calls then due upon the shares held by him.

LXXIX. THE votes may be given either personally or by proshareholders, authorized by writing according to the form in the set to this Act annexed, or in a form to the like effect, under the shareholder nominating such proxy, or if such shareholder be a sthen under their common seal; and every proposition at any su shall be determined by the majority of votes of the parties present proxies, the chairman of the meeting being entitled to vote, not principal and proxy, but to have a casting vote if there be an equal-

LXXX. No person shall be entitled to vote as a proxy unless the appointing such proxy have been transmitted to the secretary of t within the prescribed period, or, if no period be prescribed, not less eight hours before the time appointed for holding the meeting at proxy is to be used.

LXXXI. If several persons be jointly entitled to a share, the p name stands first in the register of shareholders as one of the hole share shall, for the purpose of voting at any meeting, be deemed t prietor thereof; and on all occasions the vote of such first-named either in person or by proxy, shall be allowed as the vote in resp share, without proof of the concurrence of the other holders thereo

LXXXII. If any shareholder be a lunatic or idiot, fatuous person, such lunatic or idiot, fatuous or furious person, may vote le curator, or other person appointed to manage his estate; and if holder be a minor he may vote by his tutors or curators or any or and every such vote may be given either in person or by proxy.

LXXXIII. WHENEVER in this or the special Act the consent ticular majority of votes at any meeting of the company is requir to authorize any proceeding of the company, such particular m

Appointment and rotation of Directors.

Shareholder of an incorporated joint stock company not disqualified by reason of contracts.

Rotation of directors.

for the company, or if such director at any time cease to be a holder of prescribed number of shares in the company, then in any of the cases afores the office of such director shall become vacant, and thenceforth he shall c from voting or acting as a director.

XC. Provided always, that no person, being a shareholder or member any incorporated joint stock company, shall be disqualified or prevented acting as a director by reason of any contract entered into between such j stock company and the company incorporated by the special Act; but such director, being a shareholder or member of such joint stock company shall vote on any question as to any contract with such joint stock company

XCI. THE directors appointed by the special Act, and continued in office aforesaid, or the directors elected to supply the places of those retiring aforesaid, shall, subject to the provision herein-before contained for increasor reducing the number of directors, retire from office at the times and in proportions following, the individuals to retire being in each instance demined by ballot among the directors, unless they shall otherwise agree; is to say,)

At the end of the first year after the first election of directors the present number, and if no number be prescribed one third of such directors, to determined by ballot among themselves, unless they shall otherwise as shall go out of office:

At the end of the second year the prescribed number, and if no number prescribed one half of the remaining number of such directors, to determined in like manner, shall go out of office:

At the end of the third year the prescribed number, and if no number prescribed the remainder of such directors, shall go out of office:

And in each instance the places of the retiring directors shall be supplied an equal number of qualified shareholders; and at the first ordinary median every subsequent year the prescribed number, and if no number be scribed one third of the directors, being those who have been longest in on shall go out of office, and their places shall be supplied in like man nevertheless, every director so retiring from office may be re-elected in diately or at any future time, and after such re-election shall, with refer to the going out by rotation, be considered as a new director: Provided alwest that if the prescribed number of directors be some number not divisible three, and the number of directors to retire be not prescribed, the directors hall in each case determine what number of directors, as nearly one thir may be, shall go out of office, so that the whole number shall go out of office in three years.

XCII. If any director die or resign, or become disqualified or incompeto act as a director, or cease to be a director by any other cause than the going out of office by rotation as aforesaid, the remaining directors, if think proper so to do, may elect in his place some other shareholder, qualified, to be a director; and the shareholder so elected to fill up any vacancy shall continue in office as a director so long only as the person whose place he shall have been elected would have been entitled to continue he had remained in office.

And with respect to the powers of the directors and the powers of company to be exercised only in general meetings, be it enacted as follows:

Supply of occasional vacancies in office of directors.

Powers of Directors.

XCIII. THE directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Powers of Act to be transacted by a general meeting of the company; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

XCIV. Except as otherwise provided by the special Act, the following powers of the company, (that is to say,) the choice and removal of the directors, except as herein-before mentioned, and the increasing or reducing of their number, where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

And with respect to the proceedings and liabilities of the directors, be it enacted as follows:

XCV. THE directors shall hold meetings at such times as they shall appoint for the purpose, and they may meet and adjourn as they think proper from time to time, and from place to place; and at any time any two of the directors may require the secretary to call a meeting of the directors; and in order to constitute a meeting of directors, there shall be present at the least the prescribed quorum, and when no quorum shall be prescribed there shall be present at least one third of the directors; and all questions at any such meeting shall be determined by the majority of votes of the directors present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as one of the directors.

XCVI. AT the first meeting of directors held after the passing of the special Permanent Act, and at the first meeting of the directors held after each annual appoint-directors. ment of directors, the directors present at such meeting shall choose one of the directors to act as chairman of the directors for the year following such choice, and shall also, if they think fit, choose another director to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign, or cease to be a director, or otherwise become disqualified to act, the directors present at the meeting next after the occurrence of such vacancy shall choose some other of the directors to fill such vacancy; and every such chairman or deputy chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such death, resignation, removal, or disqualification had not happened.

XCVII. IF at any meeting of the directors neither the chairman nor deputy Occasional chairman be present, the directors present shall choose some one of their directors. number to be chairman of such meeting.

XCVIII. IT shall be lawful for the directors to appoint one or more com- Committees mittees, consisting of such number of directors as they think fit, within the prescribed limits, if any, and they may grant to such committees respectively

Powers of Directors.

the company to be exercised by the direc-

> Powers of the company not to be exercised by the directors.

> > Proceedingsof Directors.

Meetings of directors.

chairman of

Proceedings of Directors.

Powers of committees.
Meetings of committees.

power on behalf of the company to do any acts relating to the affairs of company which the directors could lawfully do, and which they shall f time to time think proper to intrust to them.

XCIX. The said committees may meet from time to time, and may adjourned from place to place, as they think proper, for carrying into effect the purpose their appointment; and no such committee shall exercise the posintrusted to them except at a meeting at which there shall be present prescribed quorum, or if no quorum be prescribed then a quorum to be for that purpose by the general body of directors; and at all meetings of committees one of the members present shall be appointed chairman; and questions at any meeting of the committee shall be determined by a major of votes of the members present, and in case of an equal division of votes chairman shall have a casting vote, in addition to his vote as a member of committee.

Contracts by committees or directors, how to be entered into. C. The power which may be granted to any such committee to make tracts, as well as the power of the directors to make contracts, on b of the company, may lawfully be exercised as follows; (that is to say,)

With respect to any contract which, if made between private persons, we be by law required to be by deed or by agreement, in writing, and so by the parties to be charged therewith, then such committee of directors may make such contract on behalf of the company, in writing either under the common seal of the company, or signed by such mittee, or any two of them, or any two of the directors, and in the manner may vary or discharge the same:

With respect to any contract which, if made between private persons, we by law be valid although made by parol only and not reduced writing, such committee or the directors may make such contrate behalf of the company by parol only, without writing, and in the manner may vary or discharge the same:

And all contracts made according to the provisions herein contained she effectual in law, and shall be binding upon the company and their succe and all other parties thereto, their heirs, executors, or administrators, a case may be; and on any default in the execution of any such contract, by the company, or any other party thereto, such actions or suits me brought, either by or against the company, as might be brought had the contracts been made between private persons only.

Proceedings to be entered in books, and to be evidence. CI. THE directors shall cause notes, minutes, or copies, as the case require, of all appointments made or contracts entered into by the directors and of the orders and proceedings of all meetings of the company, and directors and committees of directors, to be duly entered in books, to be time to time provided for the purpose, which shall be kept under the intendence of the directors; and every such entry shall be signed to chairman of such meeting; and such entry, so signed, shall be received a dence in all courts, and before all judges, justices, and others, without presuch respective meetings having been duly convened or held, or of the permaking or entering such orders or proceedings being shareholders or directors of the fact of his having been chairman, all of which last-mentioned meshall be presumed, until the contrary be proved.

CII. ALL acts done by any meeting of the directors, or of a committee of Proceedings of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any Informalities such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

in appointment of directors not to invalidate proceedings.

Directors not to be personally liable.

CIII. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the company may apply the existing funds and capital of the company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining unpaid, if any.

Indemnity of directors.

And with respect to the appointment and duties of auditors, be it enacted as

Auditors.

CIV. Except where by the special Act auditors shall be directed to be appointed otherwise than by the company, the company shall, at the first ordinary meeting after the passing of the special Act, elect the prescribed number of auditors, and if no number is prescribed two auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the company in each year thereafter the company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision herein-after contained; and every auditor elected as herein-before provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead.

Election of auditors.

CV. WHERE no other qualification shall be prescribed by the special Act. every auditor shall have at least one share in the undertaking; and he shall not hold any office in the company, nor be in any other manner interested in its concerns, except as a shareholder.

Qualification of auditors.

CVI. ONE of such auditors (to be determined in the first instance by ballot Rotation of between themselves, unless they shall otherwise agree, and afterwards by seniority,) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed n new auditor.

CVII. IF any vacancy take place among the auditors in the course of the Vacancies in current year, then at any general meeting of the company the vacancy may, office of auditor. if the company think fit, be supplied by election of the shareholders.

Auditors.

Failure of meeting to elect auditor. Delivery of balance sheet, &c. by directors to auditors.

Duty of auditors.

Powers of auditors.

Accountability of officers.

Security to be taken from officers intrusted with money.

Officers to account on demand.

Summary remedy against parties failing to account. CVIII. THE provision of this Act respecting the failure of an ord meeting at which directors ought to be chosen shall apply, mutatis mut to any ordinary meeting at which an auditor ought to be appointed.

CIX. THE directors shall deliver to such auditors the half-yearly or periodical accounts and balance sheet, fourteen days at the least beforensuing ordinary meeting at which the same are required to be produced shareholders, as herein-after provided.

CX. It shall be the duty of such auditors to receive from the direct half-yearly or other periodical accounts and balance sheet required presented to the shareholders, and to examine the same.

CXI. It shall be lawful for the auditors to employ such accounter other persons as they may think proper, at the expense of the companthey shall either make a special report on the said accounts, or simply the same; and such report or confirmation shall be read, together we report of the directors, at the ordinary meeting.

And with respect to the accountability of the officers of the company enacted as follows:

CXII. BEFORE any person intrusted with the custody or control of whether treasurer, collector, or other officer of the company, shall enter his office, the directors shall take sufficient security from him for the execution of his office.

CXIII. EVERY officer employed by the company shall from time to when required by the directors, make out and deliver to them, or person appointed by them for that purpose, a true and perfect accounting under his hand, of all monies received by him on behalf of the pany; and such account shall state how, and to whom, and for what is such monies shall have been disposed of; and, together with such a such officer shall deliver the vouchers and receipts for such payment every such officer shall pay to the directors, or to any person appointment to receive the same, all monies which shall appear to be owing upon the balance of such accounts.

CXIV. If any such officer fail to render such account, or to prod deliver up all the vouchers and receipts relating to the same in his po or power, or to pay the balance thereof when thereunto required, o three days after being thereunto required he fail to deliver up to the d or to any person appointed by them to receive the same, all pape writings, property, effects, matters, and things, in his possession or relating to the execution of this or the special Act, or any Act incor therewith, or belonging to the company, then, on complaint thereo made to the sheriff or a justice, such sheriff or justice shall summon such officer to appear before such sheriff, if the summons or order be is a sheriff, or before two or more justices, if the summons or order be is a justice, at a time and place to be set forth in such summons or o answer such charge; and upon the appearance of such officer, or in his a upon proof that such summons or order was personally served upon left at his last known place of abode, such sheriff or justices may h determine the matter in a summary way, and may adjust and dec balance owing by such officer; and if it appear, either upon confession officer, or upon evidence, or upon inspection of the account, that any me the company are in the hands of such officer, or owing by him to the company, such sheriff or justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such sheriff or justices to grant a warrant to levy the same by poinding and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months.

Accountability of officers.

CXV. IF any such officer refuse to produce and deliver to the said sheriff or justices the several vouchers and receipts relating to his accounts, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such sheriff or justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters, and things, if any, in his possession or power,

Officers refusing to deliver up documents, &c. to be imprisoned.

CXVI. PROVIDED always, that if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the sheriff or justice before whom the complaint is made, instead of issuing his stance. summons or order, to issue his warrant for the bringing such officer before the sheriff, to answer to the charge, as herein-before directed, if the warrant has been issued by the sheriff, or before any justice if the warrant shall have been issued by a justice; and it shall be lawful for the justice before whom such officer may be brought either to discharge such officer, if he thinks there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two justices, at a time and place to be named in such order, unless such officer give surety, to the satisfaction of such justice, for his appearance before such justices to answer the complaint of the company.

Where officer about to abscond, a warrant may be issued in the first in-

CXVII. No such proceeding against or dealing with any such officer as Sureties not aforesaid shall deprive the company of any remedy which they might other-charged.

And with respect to the keeping of accounts, and the right of inspection thereof by the shareholders, be it enacted as follows:

Accounts,

CXVIII. THE directors shall cause full and true accounts to be kept of Accounts to all sums of money received or expended on account of the company by the directors, and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received, or disbursed and paid.

CXIX. THE books of the company shall be balanced at the prescribed Books to be periods, and if no periods be prescribed, fourteen days at least before each ordinary meeting; and forthwith on the books being so balanced an exact balance sheet shall be made up, which shall exhibit a true statement of the capital stock, credits, and property of every description belonging to the company, and the debts due by the company, at the date of making such balance sheet, and a distinct view of the profit or loss which shall have arisen on the transactions of the company in the course of the preceding half year; and previously to each ordinary meeting such balance sheet shall be examined

Accounts:

Inspection of accounts by shareholders at stated times.

Balance sheet to be produced at the meeting.

Book-keeper to allow inspection of the accounts at appointed times.

Dividends.

Previously to declaration of dividends a scheme to be prepared.

Dividend not to be made so as to reduce capital.

Power to directors to set apart a fund for contingencies.

Dividend not to be paid unless all calls paid.

Bye Laws.

by the directors, or any three of their number, and shall be signed by chairman or deputy chairman of the directors.

CXX. The books so balanced, together with such balance sheet as afore shall for the prescribed periods, and if no periods be prescribed, for four days previous to each ordinary meeting, and for one month thereafter open for the inspection of the shareholders at the principal office or pla business of the company; but the shareholders shall not be entitled at time, except during the periods aforesaid, to demand the inspection of books, unless in virtue of a written order signed by three of the directors.

CXXI. And be it enacted, that the directors shall produce to the sholders assembled at such ordinary meeting the said balance sheet as afore applicable to the period immediately preceding such meeting, together the report of the auditors thereon, as herein-before provided.

CXXII. THE directors shall appoint a book-keeper to enter the according aforesaid in books to be provided for the purpose; and every such be keeper shall permit any shareholder to inspect such books, and to take or entries therefrom, at any reasonable time during the prescribed per and if no periods be prescribed during one fortnight before and one mafter every ordinary meeting; and if he fail to permit any such sharehold inspect such books, or take copies or extracts therefrom, during the paforesaid, he shall forfeit to such shareholder for every such offence a surexceeding five pounds.

And with respect to the making of dividends, be it enacted as follows: CXXIII. Previously to every ordinary meeting at which a divide intended to be declared the directors shall cause a scheme to be preshowing the profits, if any, of the company for the period current sing preceding ordinary meeting at which a dividend was declared, and a tioning the same, or so much thereof as they may consider applicable purposes of dividend, among the shareholders, according to the shares he them respectively, the amount paid thereon, and the periods during the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to scheme.

CXXIV. THE company shall not make any dividend whereby their of stock will be in any degree reduced: Provided always, that the "dividend" shall not be construed to apply to a return of any portion capital stock, with the consent of all the mortgagees and bond creditors company, due notice being given for that purpose at an extraordinary m to be convened for that object.

CXXV. Before apportioning the profits to be divided among the holders the directors may, if they think fit, set aside thereout such sum a may think proper to meet contingencies, or for enlarging, repairing, or proving the works connected with the undertaking, or any part thereomay divide the balance only among the shareholders.

CXXVI. No dividend shall be paid in respect of any share until all then due in respect of that and every other share held by the person to such dividend may be payable shall have been paid.

And with respect to the making of bye laws, be it enacted as follows:

CXXVII. IT shall be lawful for the company from time to time to make such bye laws as they think fit, for the purpose of regulating the conduct of Power to the officers and servants of the company, and for providing for the due managemake bye laws ment of the affairs of the company in all respects whatsoever, and from time of the comto time to alter or repeal any such by e laws, and make others, provided such pany. bye laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such bye laws shall be given to every officer and servant of the company affected thereby.

Bye Laws.

CXXVIII. It shall be lawful for the company, by such bye laws, to impose Finesfor such reasonable penalties upon all persons, being officers or servants of the company, offending against such bye laws, as the company think fit, not exceeding five pounds for any one offence.

breach of such

CXXIX. All the bye laws to be made by the company shall be so framed Bye laws to as to allow the sheriff or justices before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, ties may be miximal be miximal be miximal.

be so framed as that penal-

CXXX. The production of a written or printed copy of the bye laws of the Evidence of company, having the common seal of the company affixed thereto, shall be bye laws. sufficient evidence of such bye laws in all cases of prosecution under the same.

And with respect to the settlement of disputes by arbitration, be it enacted as follows:

Arbitration.

CXXXI. WHEN any dispute directed by this or the special Act, or any Act Appointment incorporated therewith, to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

of arbitrators when questions are to be determined by arbitration.

CXXXII. If before the matters so referred shall be determined any Vacancy of arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, or disability as aforesaid.

arbitrator to be supplied. Arbitration.

Appointment of umpire.

Lord ordinary empowered to appoint an umpire, on neglect of the arbitrators.

Power of arbitrators to call for books, &c.

Costs to be in the discretion of the arbitrators.

Notices.

Service of notices upon company.

Service by company on shareholders.

Notices to joint proprietors of shares.

Notice by advertisement. CXXXIII. WHERE more than one arbitrator shall have been appoin such arbitrators shall, before they enter upon the matters so referred to the nominate and appoint by writing under their hands an umpire to decid any such matters on which they shall differ; and if such umpire shall directure or for seven days neglect to act, they shall forthwith after-such decision or neglect appoint another umpire in his place; and the decision every such umpire on the matters so referred to him shall be final.

CXXXIV. If in either of the cases aforesaid the said arbitrators refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the lord ordinary, or application of either party to such arbitration, to appoint an umpire; and decision of such umpire on the matters on which the arbitrators shall eshall be final.

CXXXV. THE said arbitrators or their umpire may call for the product of any documents in the possession or power of either party which they can may think necessary for determining the question in dispute, and may exat the parties or their witnesses on oath, and administer the oaths necessar that purpose, and may also grant diligence for the recovery of such documents of the party may require, or for citing witnesses; and, on application to lord ordinary, letters of supplement, or such other writ as may be necessarily be issued by the lord ordinary, in support of such diligence.

CXXXVI. EXCEPT where by this or the special Act, or any Act incorpo therewith, it shall be otherwise provided, the costs of and attending e such arbitration to be determined by the arbitrators shall be in the discr of the arbitrators or the umpire, as the case may be.

And with respect to the giving of notices, be it enacted as follows:

CXXXVII Any summons or notice, or any writ, or other proceeding law or in equity, requiring to be served upon the company, may be served the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shat more than one, or being given personally to the secretary, or in case the no secretary then by being given to any one director of the company.

CXXXVIII. Notices requiring to be served by the company upon shareholders may, unless expressly required to be served personally, be a by the same being transmitted through the post directed according to registered address or other known address of the shareholder, within period as to admit of its being delivered in the due course of delivery we the period (if any) prescribed for the giving of such notice; and in presuch service it shall be sufficient to prove that such notice was predirected, and that it was so put into the post office.

CXXXIX. All notices directed to be given to the shareholders shall, respect to any share to which persons are jointly entitled, be given to we ever of the said persons shall be named first in the register of shareholder and notice so given shall be sufficient notice to all the proprietors of share.

CXL. All notices required by this or the special Act, or any Act increated therewith, to be given by advertisement, shall be advertised i prescribed newspaper, or if no newspaper be prescribed, or if the prescribed.

newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

Notices.

CXLI: EVERY summons, demand, or notice, or other such document, Authentication requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

in bankruptey.

CXLII. And be it enacted, that if any person against whom the company Proof of debts shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

CXLIII. And be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful Payment into for the defender, by leave of the court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, be it enacted as follows:

Recovery of damages and penalties.

CXLIV. In all cases where any damages, costs, or expences are by this or Provision for the special Act, or any Act incorporated therewith, directed to be paid, and accertainment the special Act, or any Act incorporated therewith, uncould be paid, and of damages not the method of ascertaining the amount or enforcing the payment thereof is not otherwise proprovided for, such amount, in case of dispute, shall be ascertained and deter- vided for. mined by the sheriff; and if the amount so ascertained be not paid by the Enforcement company or other party liable to pay the same within seven days after demand. the amount may be recovered by poinding and sale of the goods of the company or other party liable as aforesaid; and the sheriff shall, on application. issue his warrant accordingly.

CXLV. IF sufficient goods of the company cannot be found whereon to levy Distress, &c. any such damages, costs, or expences, payable by the company, the same may if the amount thereof do not exceed twenty pounds, be recovered by poinding and sale of the goods of the treasurer of the company; and the sheriff, on application, shall issue his warrant accordingly; but no such poinding and sale Notice to shall be executed against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and Reimbursement if such treasurer pay any money under such distress or pointing and sale as of treasurer. aforesaid, he may retain the amount so paid by him, and all costs and expences occasioned thereby, out of any money belonging to the company coming into his custody or control, or he may sue the company for the same.

Recovery of damages and penalties.

Method of proceeding before the sheriff or justices in questions of damages, &c.

Publication of penalties.

Penalty for defacing boards used for such publication.

Penalties to be summarily recovered before sheriff or two justices.

CXLVI. Where in this or the special Act, or any Act incorporated the with, any question of expences, charges, or damages is referred to the demination of any sheriff or justices, it shall be lawful for the sheriff or justice, upon the application of either party, to summon the other part appear before such sheriff, or before two justices, as the case may require, time and place to be named in such summons; and upon the appearance such parties, or, in the absence of any of them, upon proof of due service the summons, it shall be lawful for such sheriff, or such two justices, as case may be, to hear and determine such question, and for that purpose examine such parties or any of them, and their witnesses, on oath; and costs of every such inquiry shall be in the discretion of such sheriff or just and he or they shall determine the amount thereof.

CXLVII. THE company shall publish the short particulars of the set offences for which any penalty is imposed by this or the special Act, or Act incorporated therewith, or by any bye law of the company affecting of persons than the shareholders, officers, or servants of the company, and of amount of every such penalty, and shall cause such particulars to be pair on a board, or printed upon paper and pasted thereon, and shall cause board to be hung up or affixed on some conspicuous part of the principal pof business of the company, and where any such penalties are of local apprition shall cause such boards to be affixed in some conspicuous place in immediate neighbourhood to which such penalties are applicable or reference; and such particulars shall be renewed as often as the same or part thereof is obliterated or destroyed; and no such penalty shall be receable unless it shall have been published and kept published in the matherein-before required.

CXLVIII. If any person pull down or injure any board put up or as as required by this or the special Act, or any Act incorporated therewith the purpose of publishing any bye law or penalty, or shall obliterate as the letters or figures thereon, he shall forfeit for every such offence a sun exceeding five pounds, and shall defray the expences attending the restor of such board.

CXLIX. Every penalty or forfeiture imposed by this or the special Act, any bye law made in pursuance thereof, the recovery of which is not other provided for, may be recovered by summary proceeding before the sheri two justices; and on complaint being made to any sheriff or justice he issue an order, requiring the party complained against to appear before his if the order be issued by a sheriff, or before two or more justices, if the be issued by a justice, at a time and place to be named in such order; every such order shall be served on the party offending, either in person, leaving the same with some inmate at his usual place of abode; and upon appearance of the party complained against, or in his absence, after pro the due service of such order, it shall be lawful for any sheriff or two just to proceed to the hearing of the complaint; and upon proof of the off either by the confession of the party complained against, or upon the oa one credible witness or more, it shall be lawful for such sheriff or justice convict the offender, and upon such conviction to adjudge the offender to the penalty or forfeiture incurred, as well as such costs attending the co tion as such sheriff or justices shall think fit.

satisfied.

CL. IF forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by poinding and sale; and such sheriff or justices, or either of them, shall issue his or their warrant of poinding and sale accordingly.

Recovery of damages and penalties.

Penalties to be levied by distress. Imprisonment

CLI. It shall be lawful for any such sheriff or justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return distress. can be conveniently made to the warrant of poinding and sale to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the sheriff or justices, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of poinding and sale it shall appear to the sheriff or justices, by the admission of the offender or otherwise, that no sufficient poinding and sale can be had within the jurisdiction of such sheriff or justices whereon to levy such penalty or forfeiture, and costs, he or they may, if he or they think fit, refrain from issuing such warrant; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the sheriff or justices, then such sheriff or justices shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture, and costs, be sooner paid and

in default of

CLII. WHERE in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pointing and sale, such sum of money shall be levied by pointing and sale of the goods and effects of the party liable to pay the same. and the overplus arising from the sale of such goods and effects, after satisfying such surm of money and the expences of the pointing and sale, shall be returned, orn demand, to the party whose goods shall have been seized.

Distress, &c. how to be levied.

CLIII. No poinding and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the sheriff court.

Distress, &c. not unlawfu l for want.of form, &c.

CLIV. THE sheriff or justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and shall award the remainder to the kirk session of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

Application of penalties.

CLV. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff or justices, unless the complaint respecting such offence shall have been made before such sheriff or some justice within six months next after the commission of such offence.

Penalties to be sued for

CLVI. IF through any act, neglect, or default, on account whereof any Damage to be person shall have incurred any penalty imposed by this or the special Act, or in addition to

penalty.

Recovery of damages and penalties.

any Act incorporated therewith, any damage to the property of the comp shall have been committed by such person, he shall be liable to make a such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the sheriff or justices by whom party incurring such penalty shall have been convicted; and on nonpayor of such damages, on demand, the same shall be levied by poinding and and such sheriff or justices shall issue his or their warrant accordingly.

Penalty on witnesses making default.

CLVII. It shall be lawful for any sheriff or justice to summon any person appear before him as a witness in any matter in which such shering justice, or two or more justices, shall have jurisdiction, under the provision this or the special Act, or any Act incorporated therewith, at a time and mentioned in such summons, and to administer to him an oath to testify truth in such matter; and if any person so summoned shall, without reason excuse, refuse or neglect to appear at the time and place appointed for purpose, having been paid or tendered a reasonable sum for his expences, any person appearing shall refuse to be examined upon oath or to give evid before such sheriff or justice, or justices, every such person shall forfeit a not exceeding five pounds for every such offence.

Transient offenders.

CLVIII. It shall be lawful for any officer or agent of the company, an persons called by him to his assistance, to seize and detain any person shall be found committing any offence against the provisions of this of special Act, or any Act incorporated therewith, and whose name and resistantly be unknown to such officer or agent, and convey him, with all converted despatch, before the sheriff or a justice, without any warrant or authority than this or the special Act; and such sheriff or justice proceed with all convenient despatch in the matter of the complaint agenth offender.

Proceedings by sheriff need not be in writing.

CLIX. Any sheriff to whom any application is authorized to be made before whom any judicial proceedings shall in consequence take place or be necessary, under or by virtue of this or the special Act, or any Act incorpo therewith, shall and he is hereby authorized and required summarily t before him all parties who appear to him to be interested therein, a proceed forthwith to hear vivâ voce, and pronounce judgment regarding matters mentioned in such application or proceeding, or to do the se matters and things required by this Act to be done by him, without w the ordinary course of the roll of causes before him, and without w pleadings, or a written record, or reducing any evidence which may be l either of the parties to writing, unless and except where the said sheriff consider that the matters mentioned in such application or proceeding with more advantage be decided with written pleadings and with a w record, in which case he shall proceed to make up a record, and bring th matters to a conclusion with all convenient despatch; and the order judgments of the said sheriff, when pronounced without a record, shall be and conclusive, and not subject to review by suspension or advocation, reduction, on any ground whatever.

Form of conviction.

CLX. THE sheriff or justice, or justices, before whom any person she convicted of any offence against this or the special Act, or any Act incorporate therewith, may cause the conviction to be drawn up according to the forthe schedule (G.) to this Act annexed.

CLXI. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

CLXII. In all cases which may come before any sheriff substitute under quashed for this or the special Act, or any Act incorporated therewith, in which written nor removed pleadings shall have been allowed, and a written record shall have been made by suspension. up, and where the evidence which has been led by the parties shall have been appeal to reduced to writing, but in no other case whatever, it shall be competent for sheriff. any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county, or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties viva voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocation, or to reduction, on any ground whatever.

CLXIII. IF any party shall feel aggrieved by any determination or adjudication of any justice, or two or more justices, with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient surreties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

CLXIV. At the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

CLXV. THE company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like be inspected. undertaking, the works of which shall not be confined to one town or place, shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, and in the office of the town clerk of every burgh or city into which

Recovery of damages and penalties.

Proceedings. not to be

> allowed to appeal from justices to quarter ses-sions, on giving

Court to make such order as they think reasonable.

> Access to special Act

Copies of special Act to be kept and deposited, and allowed to

Access to special Act.

7 Will. 4. & 1 Viet. c. 83.

Penalty on company failing to keep or deposit such copies. or within one mile of which the works shall extend, a copy of such sp. Act, so printed as aforesaid; and the said clerks of the peace and town cleshall receive, and they and the company respectively shall retain, the copies of the special Act, and shall permit all persons interested to inspect same, and make extracts or copies therefrom, in the like manner and the like terms and under the like penalty for default as is provided in case of certain plans and sections by an Act passed in the first year of reign of her present Majesty, intituled "An Act to compel clerks of the for counties and other persons to take the custody of such documer shall be directed to be deposited with them under the standing order either House of Parliament."

CLXVI. If the company shall fail to keep or deposit as herein-before tioned any of the said copies of the special Act, they shall forfeit to pounds for every such offence, and also five pounds for every day after during which such copy shall be not so kept or deposited.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM of Certificate of Share.

"The

Company."

Number

This is to certify, that A.B., of . , is the proprietor share number of "The Company," s to the regulations of the said company. Given under the common seal said company, the day of in the year Lord .

SCHEDULE (B.)

FORM of Transfer of Shares or Stock.

, in consideration Ι , of , of sum of paid to me by share [or shares], numbered transfer to the said Company," [or in the undertaking called "The pounds consolidated stock in the undertaking called "The Company," standing (or part of the stock standing) in my name in the , his exe of the company, to hold unto the said administrators, and assigns, [or successors and assigns,] subject to the conditions on which I held the same at the time of the execution herec do hereby agree to take the said share [or [or stock], subject to the same conditions. [Here insert testing clause ac to the form of the law of Scotland, if executed in Scotland, and if exec England, the form of attestation usual in England.]

SCHEDULE (C.)

FORM of Mortgage Deed.

"The

Company."

Mortgage, number By virtue [here name the special Act], we, "The Company," in consideration of the sum of pounds paid to us , do assign unto the said A.B., his by AB. of executors, administrators, and assignees, the said undertaking, [and (in case such loan shall be in anticipation of the capital authorized to be raised) all future calls on shareholders,] and all the tolls and sums of money arising by virtue of the said Act, and all the estate, right, title, and interest of the company in the same, to hold unto the said A.B., his executors, administrators, and assigns, until the said sum of pounds, together with interest for the same at the rate of for every one hundred pounds by the year, be satisfied [the principal sum to be repaid at the end of years from the date hereof (in case any period be agreed upon , or any place of payment other than for that purpose), at the principal office of the company]. In witness whereof, &c. [Here insert the testing clause of deeds executed in Scotland.]

SCHEDULE (D.)

FORM of Bond.

"The

Company."

£

Bond, number By virtue of [here name the special Act], we "The " Company," in consideration of the sum of pounds to us in hand paid by A.B. of , do bind ourselves and our successors unto the said A.B., his executors, administrators, and assigns, in the sum of pounds, to be repaid to the said A.B., his executors, administrators, or assigns, at (in case any other place of payment than the principal office of the company be intended), on the day of which will be in the year one thousand eight hundred and , with a fifth part more of liquidate penalty in case of failure, together with interest for the same at the rate of pounds per centum per annum, payable half-yearly on the day of day of In witness whereof, &c. [Here insert the testing clause of deeds executed in Scotland.]

SCHEDULE (E.)

FORM of Transfer of Mortgage or Bond.

in consideration of the sum of I A.B. of paid to me by G.H. of , do hereby transfer to the said G.H., his executors, administrators, and assigns, a certain bond [or mortgage] Company " to , made by "The number , bearing date the day of RR 2

D. E.

interest, for securing the sum of and such transfer be by endorsement, the within security, and all my right, e and interest in and to the money thereby secured [and if the transfer be mortgage, and in and to the tolls, money, and property thereby assign [Here insert Scotch testing clause, if executed in Scotland, and if execu England, the form of attestation usual in England.]

SCHEDULE (F.)

FORM of Proxy.

A.B. , one of the proprietors of Company," doth hereby appoint C.D. of to be the proxy of the said A.B., in his absence to vote in his name upo matter relating to the undertaking proposed at the meeting of the prop of the said company to be held on the day of next, in such manner as he the said C.D. doth think proper. In v whereof the said A.B. hath hereunto set his hand [or, if a corporation the common seal of the corporation, the one thousand eight hundred and

SCHEDULE (G.)

FORM of Conviction before

to wit.

BE it remembered, that on the day of in the year of our Lord , A.B. is convicted bef C., the sheriff, or before us D., E., two of her Majesty's justices of the , [here describe the offence ger for the county of and the time and place when and where committed, contrary to the name the special Act]. Given under my hand, [or under our hands,] and year first above written.

CHAPTER XVIII.

An Act for consolidating in One Act certain Provisions usually inse Acts authorizing the taking of Lands for Undertakings of a Nature. [8th May

WHEREAS it is expedient to comprise in one general Act sundry sions usually introduced into Acts of Parliament relative acquisition of lands required for undertakings or works of a public and to the compensation to be made for the same, and that as well purpose of avoiding the necessity of repeating such provisions in each several Acts relating to such undertakings as for ensuring greater uniin the provisions themselves: May it therefore please your Majesty may be enacted, and be it enacted by the Queen's most excellent h by and with the advice and consent of the lords spiritual and tempor

Act to apply to all undertakings authorized by

commons, in this present Parliament assembled, and by the authority of the Acts hereafter same, that this Act shall apply to every undertaking authorized by any Act which shall hereafter be passed, and which shall authorize the purchase or taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

And with respect to the construction of this Act and of Acts to be incorpo- Interpretations rated therewith, be it enacted as follows:

II. THE expression "the special Act" used in this Act shall be construed to "Special Act" mean any Act which shall be hereafter passed which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in "Prescribed: this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose " in the special Act" had been used; and the expression "the works" or " the undertaking" shall mean the works or undertaking, of whatever nature. which shall by the special Act be authorized to be executed; and the expression "the promoters of the undertaking" shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

III. THE following words and expressions, both in this and the special Actshall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction;

(that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "lands" shall extend to messuages, lands, tenements, and hereditaments, of any tenure:

The word "lease" shall include an agreement for a lease:

The word "month" shall mean calendar month:

The expression "superior courts" shall mean her Majesty's superior courts of record at Westminster or Dublin, as the case may require:

The word "oath" shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word "county" shall include any riding or other like division of a "County:" county, and shall also include county of a city or county of a town:

The word "sheriff" shall include under sheriff, or other legally competent "The sheriff;" deputy; and where any matter in relation to any lands is required to be done by any sheriff, or by any clerk of the peace, the expression "the "The clerk of " sheriff," or the expression "the clerk of the peace," shall in such case the peace:"

in this Act =

"The works :"

"Promoters of the undertaking.

Interpretations in this and the special Act:

Number:

Gender:

" Lands:"

« Lease:"

" Month:"

" Superior courts:

be construed to mean the sheriff or the clerk of the peace of the coucity, borough, liberty, cinque port, or place where such lands shall situate; and if the lands in question, being the property of one and same party, be situate not wholly in one county, city, borough, liberinque port, or place, the same expression shall be construed to mean sheriff or clerk of the peace of any county, city, borough, liberty, city, or place where any part of such lands shall be situate:

" Justices :"

The word "justices" shall mean justices of the peace acting for the coucity, liberty, cinque port, or place where the matter requiring the nizance of any such justice shall arise, and who shall not be interested the matter; and where such matter shall arise in respect of lands, be the property of one and the same party, situate not wholly in any county, city, borough, liberty, cinque port, or place, the same shall no a justice acting for the county, city, borough, liberty, cinque port, or place, the same shall no interested in such matter; and where any matter shall be authorized required to be done by two justices, the expression "two justices" be understood to mean two justices assembled and acting together.

"Two justices:"

"Owner:"

Where under the provisions of this or the special Act, or any Act in porated therewith, any notice shall be required to be given to the or of any lands, or where any Act shall be authorized or required to done with the consent of any such owner, the word "owner" sha understood to mean any person or corporation who, under the provision of this or the special Act, would be enabled to sell and convey land the promoters of the undertaking:

"The Bank."

The expression "the Bank" shall mean the Bank of England where same shall relate to monies to be paid or deposited in respect of I situate in England, and shall mean the Bank of Ireland where the shall relate to monies to be paid or deposited in respect of lands sit in Ireland.

Short title of the Act.

IV. And be it enacted, that in citing this Act in other Acts of Parlia, and in legal instruments it shall be sufficient to use the expression "Lands Clauses Consolidation Act, 1845."

Form in which portions of this Act may be incorporated with other Acts.

V. And whereas it may be convenient in some cases to incorporate Acts of Parliament hereafter to be passed some portion only of the provi of this Act: Be it therefore enacted, that for the purpose of making any incorporation it shall be sufficient in any such Act to enact that the close of this Act with respect to the matter so proposed to be incorporated, (described matter as it is described in this Act in the words introductory to enactment with respect to such matter,) shall be incorporated with such and thereupon all the clauses and provisions of this Act with respect to matter so incorporated shall, save so far as they shall be expressly varie excepted by such Act, form part of such Act, and such Act shall be const as if the substance of such clauses and provisions were set forth therein reference to the matter to which such Act shall relate.

Purchase of lands by agreement.

Power to

And with respect to the purchase of lands by agreement, be it enacte follows:

VI. Subject to the provisions of this and the special Act it shall be la for the promoters of the undertaking to agree with the owners of any l

by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any estate or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

Purchase of lands by agreement.

lands by

VII. It shall be lawful for all parties, being seised, possessed of, or entitled Parties under to any such lands, or any estate or interest therein, to sell and convey or enabled to sell release the same to the promoters of the undertaking, and to enter into all and convey. necessary agreements for that purpose; and particularly it shall be lawful for all or any of the following parties so seised, possessed, or entitled as aforesaid so to sell, convey, or release; (that is to say,) all corporations, tenants in tail or for life, married women seised in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life, or for lives and years, or for years, or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians, on behalf of their wards, and as to such committees, on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this or the special Act if they had respectively been under no disability, and as to such trustees, executors, and administrators, on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, femes covert, or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this and the special Act if they had respectively been under no disability.

VIII. THE power herein-after given to enfranchise copyhold lands, as well Parties under as every other power required to be exercised by the lord of any manor pursuant to the provisions of this or the special Act, or any Act incorporated other powers. therewith, and the power to release lands from any rent, charge, or incumbrance, and to agree for the apportionment of any such rent, charge, or incumbrance, shall extend to and may lawfully be exercised by every party herein-before enabled to sell and convey or release lands to the promoters of the undertaking.

IX. THE purchase money or compensation to be paid for any lands to be Amount of purchased or taken from any party under any disability or incapacity, and not in case of having power to sell or convey such lands except under the provisions of this parties under or the special Act, and the compensation to be paid for any permanent damage be ascertained or injury to any such lands, shall not, except where the same shall have been by valuation. determined by the verdict of a jury, or by arbitration, or by the valuation of the Bank.

disability to

Purchase of lands by agreement.

632

Where vendor absolutely entitled, lands may be sold on chief rents.

Payment of rents to be charged on tolls.

Power to purchase lands required for additional accommodation.

Authority to sell and repurchase such lands.

Restraint on purchase from incapacitated persons.

a surveyor appointed by two justices under the provision herein-after cont be less than shall be determined by the valuation of two able pri surveyors, one of whom shall be nominated by the promoters of the taking, and the other by the other party, and if such two surveyors agree in the valuation, then by such third surveyor as any two justices upon application of either party, after notice to the other party, for tha pose nominate; and each of such two surveyors, if they agree, or if no the surveyor nominated by the said justices, shall annex to the valua declaration in writing, subscribed by them or him, of the correctness the and all such purchase money or compensation shall be deposited in the for the benefit of the parties interested, in manner herein-after mention

X. It shall be lawful for any person seised in fee of or entitled to of absolutely for his own benefit any lands authorized to be purchased purposes of the special Act to sell and convey such lands or any part unto the promoters of the undertaking in consideration of an annua charge payable by the promoters of the undertaking, but, except as af the consideration to be paid for the purchase of any such lands, or for any done thereto, shall be in a gross sum. [Rep., 23 & 24 Vict. c. 106. s. 1.]

XI. THE yearly rents reserved by any such conveyance shall be char the tolls or rates, if any, payable under the special Act, and shall be wise secured in such manner as shall be agreed between the parties, an be paid by the promoters of the undertaking as such rents become paid and if at any time any such rents be not paid within thirty days after become payable, and after demand thereof in writing, the person to who such rent shall be payable may either recover the same from the prome the undertaking, with costs of suit, by action of debt in any of the s courts, or it shall be lawful for him to levy the same by distress of the and chattels of the promoters of the undertaking.

XII. In case the promoters of the undertaking shall be empowered special Act to purchase lands for extraordinary purposes, it shall be for all parties who, under the provisions herein-before contained, we enabled to sell and convey lands, to sell and convey the lands so author be purchased for extraordinary purposes.

XIII. It shall be lawful for the promoters of the undertaking to lands which they shall have so acquired for extraordinary purposes, part thereof, in such manner, and for such considerations, and to such p as the promoters of the undertaking may think fit, and again to p other lands for the like purposes, and afterwards sell the same, and a time to time; but the total quantity of land to be held at any one time promoters of the undertaking for the purposes aforesaid shall not exc prescribed quantity.

XIV. THE promoters of the undertaking shall not, by virtue of the to purchase land for extraordinary purposes, purchase more than the prequantity from any party under legal disability, or who would not be sell and convey such lands except under the powers of this and the speci and if the promoters of the undertaking purchase the said quantity from any party under such legal disability, and afterwards sell the w any part of the land so purchased, it shall not be lawful for any part under legal disability to sell to the promoters of the undertaking an lands in lieu of the land so sold or disposed of by them.

XV. NOTHING in this or the special Act contained shall enable any muni- Municipal cipal corporation to sell for the purposes of the special Act, without the corporations not to sell approbation of the commissioners of her Majesty's Treasury of the United without the Kingdom of Great Britain and Ireland, or any three of them, any lands which the Treasury. they could not have sold without such approbation before the passing of the special Act, other than such lands as the company are by the powers of this or the special Act empowered to purchase or take compulsorily.

And with respect to the purchase and taking of lands otherwise than by

agreement, be it enacted as follows:

XVI. WHERE the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the Capital to be whole of the capital or estimated sum for defraying the expences of the undertaking shall be subscribed under contract binding the parties thereto, their pulsory powers heirs, executors, and administrators, for the payment of the several sums by of purchase them respestively subscribed, before it shall be lawful to put in force any of the nawers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

XVII. A certificate under the hands of two justices, certifying that the A certificate whole of the prescribed sum has been subscribed, shall be sufficient evidence to be evidence thereof; and on the application of the promoters of the undertaking, and the that the production of such evidence as such justices think proper and sufficient, such capital has been subjustices shall grant such certificate accordingly.

XVIII. WHEN the promoters of the undertaking shall require to purchase Notice of or take any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking. and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

XIX. ALL notices required to be served by the promoters of the undertaking Service of upon the parties interested in or entitled to sell any such lands shall either be owners and served personally on such parties or left at their last usual place of abode, if occupiers of any such can after diligent inquiry be found, and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry. shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XX. If any such party be a corporation aggregate such notice shall be left Service of at the principal office of business of such corporation, or, if no such office can corporation after diligent inquiry be found, shall be served on some principal member, if aggregate. any, of such corporation, and such notice shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

Purchase of lands otherwise than by agreement.

subscribed before com-

Purchase of lands otherwise than by agreement.

If parties fail to treat, or in case of dispute, question to be settled as after mentioned.

Disputes as to compensation, where the amount claimed does not exceed 50l., to be settled by two justices.

Compensation exceeding 501 to be settled by arbitration or jury, at the option of the party claiming compensation.

Method of proceeding for settling disputes as to compensation by justices.

Appointment of arbitrators when questions are to be determined by arbitration.

XXI. If for twenty-one days after the service of such notice any party shall fail to state the particulars of his claim in respect of any such or to treat with the promoters of the undertaking in respect thereof, or it party and the promoters of the undertaking shall not agree as to the a of the compensation to be paid by the promoters of the undertaking interest in such lands belonging to such party, or which he is by this special Act enabled to sell, or for any damage that may be sustained by reason of the execution of the works, the amount of such compensation to the manner herein-after provided for settling calcispated compensation.

XXII. If no agreement be come to between the promoters of the taking and the owners of or parties by this Act enabled to sell and con release any lands taken or required for or injuriously affected by the exe of the undertaking, or any interest in such lands, as to the value of such or of any interest therein, or as to the compensation to be made in thereof, and if in any such case the compensation claimed shall not exceepounds, the same shall be settled by two justices.

XXIII. If the compensation claimed or offered in any such case shall fifty pounds, and if the party claiming compensation desire to have the settled by arbitration, and signify such desire by notice in writing promoters of the undertaking, before they have issued their warrant sheriff to summon a jury in respect of such lands, under the provisions after contained, stating in such notice the nature of the interest in res which such party claims compensation, and the amount of the compensa claimed, the same shall be so settled accordingly; but unless the party claimed, the same shall be so settled accordingly; but unless the party claimed, the same shall as aforesaid signify his desire to have the question compensation settled by arbitration, or if when the matter shall have referred to arbitration the arbitrators or their umpire shall for three phave failed to make their or his award, or if no final award shall be made question of such compensation shall be settled by the verdict of a junction-after provided.

XXIV. It shall be lawful for any justice, upon the application of party with respect to any question of disputed compensation by this special Act, or any Act incorporated therewith, authorized to be settled justices, to summon the other party to appear before two justices, at and place to be named in the summons, and upon the appearance of parties, or in the absence of any of them, upon proof of due service summons, it shall be lawful for such justices to hear and determin question, and for that purpose to examine such parties or any of the their witnesses, upon oath, and the costs of every such inquiry shall be discretion of such justices, and they shall settle the amount thereof.

XXV. When any question of disputed compensation by this or the Act, or any Act incorporated therewith, authorized or required to be set arbitration shall have arisen, then, unless both parties shall concur appointment of a single arbitrator, each party, on the request of the party, shall nominate and appoint an arbitrator, to whom such dispute referred; and every appointment of an arbitrator shall be made on to of the promoters of the undertaking under the hands of the said promoten any two of them, or of their secretary or clerk, and on the part of any

party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such lastmentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Purchase of lands otherwise than by agreement.

XXVI. If before the matters so referred shall be determined any arbitrator Vacancy of appointed by either party die, or become incapable, the party by whom such be supplied. arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

arbitrator to

XXVII. WHERE more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this or the special Act; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

XXVIII. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, the Board of Trade in any case in which a railway company shall be one party to the arbitration, and two justices in any other case, shall, on the application of either party to such arbitration, appoint an umpire; and the decision of such umpire on the matters on which the umpire on arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

Board of Trade, in case of railway companies, and two justices in any other case, empowered to appoint an neglect of the arbitrators.

XXIX. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration, under to begin de the provisions of this or the special Act, in the same manner as if such novo. arbitrator had not been appointed.

In case of death of single arbitrator, the matter

XXX. If where more than one arbitrator shall have been appointed either refuse to act, of the arbitrators refuse or for seven days neglect to act, the other arbitrator proceed ex

arbitrator the other to parte.

Purchase of lands otherwise than by agreement.

If arbitrators fail to make their award within twentyone days, or extended time, the matter to go to the umpire.

Power of arbitrators to call for books, &c.

Arbitrator or umpire to make a declaration.

Costs of arbitration how to be borne.

Award to be delivered to the promoters of the undertaking.

Submission may be made a rule of court. Award not void through error in form.

Promoters of the undertaking to give notice before summoning a jury. may proceed ex parte, and the decision of such other arbitrator shall effectual as if he had been the single arbitrator appointed by both parti

XXXI. If where more than one arbitrator shall have been appointed where neither of them shall refuse or neglect to act as aforesaid, such a tors shall fail to make their award within twenty-one days after the which the last of such arbitrators shall have been appointed, or within extended time (if any) as shall have been appointed for that purpose be such arbitrators under their hands, the matters referred to them shall determined by the umpire to be appointed as aforesaid.

XXXII. THE said arbitrators or their umpire may call for the product any documents in the possession or power of either party which they may think necessary for determining the question in dispute, and may exthe parties or their witnesses on oath, and administer the oaths necess that purpose.

XXXIII. BEFORE any arbitrator or umpire shall enter into the contion of any matters referred to him, he shall in the presence of a justice and subscribe the following declaration; that is to say,

A.B. do solemnly and sincerely declare, that I will faithfully and he and to the best of my skill and ability, hear and determine the referred to me under the provisions of the Act [naming the special Act]

' Made and subscribed in the presence of

And such declaration shall be annexed to the award when made; and arbitrator or umpire having made such declaration shall wilfully act of thereto he shall be guilty of a misdemeanor.

XXXIV. ALL the costs of any such arbitration, and incident thereto settled by the arbitrators, shall be borne by the promoters of the under unless the arbitrators shall award the same or a less sum than shall have offered by the promoters of the undertaking, in which case each part bear his own costs incident to the arbitration, and the costs of the arb shall be borne by the parties in equal proportions.

XXXV. THE arbitrators shall deliver their award in writing to the proof the undertaking, and the said promoters shall retain the same, an forthwith, on demand, at their own expence, furnish a copy thereof other party to the arbitration, and shall at all times, on demand, produsaid award, and allow the same to be inspected or examined by such pany person appointed by him for that purpose.

XXXVI. THE submission to any such arbitration may be made a any of the superior courts, on the application of either of the parties.

XXXVII. No award made with respect to any question referred to a tion under the provisions of this or the special Act shall be set as irregularity or error in matter of form.

XXXVIII. BEFORE the promoters of the undertaking shall issue warrant for summoning a jury for settling any case of disputed competently shall give not less than ten days notice to the other party of their tion to cause such jury to be summoned; and in such notice the promote undertaking shall state what sum of money they are willing to get the interest in such lands sought to be purchased by them from such and for the damage to be sustained by him by the execution of the work

XXXIX. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury the promoters of the undertaking shall issue their warrant to the sheriff, requiring him to summon a jury for that purpose, and such warrant shall be under the common seal of the promoters of the undertaking if they be a corporation, or if they be summoning not a corporation under the hands and seals of such promoters or any two of jury to be them; and if such sheriff be interested in the matter in dispute such application the sheriff; tion shall be made to some coroner of the county in which the lands in or in certain question, or some part thereof, shall be situate; and if all the coroners of such ner, or to excounty be so interested such application may be made to some person having sheriff or exfilled the office of sheriff or coroner in such county, and who shall be then living there, and who shall not be interested in the matter in dispute; and with respect to the persons last mentioned preference shall be given to one who shall have most recently served either of the said offices; and every exsheriff, coroner, or ex-coroner shall have power, if he think fit, to appoint a deputy or assessor.

Purchase of lands otherwise than by agreement.

Warrant for

XL. THROUGHOUT the enactments contained in this Act relating to the Provisions reference to a jury, where the term "sheriff" is used, the provisions applicable applicable to sheriff to apply thereto shall be held to apply to every coroner or other person lawfully acting to coroner, or in his place; and in every case in which any such warrant shall have been acting in place directed to any other person than the sheriff such sheriff shall, immediately of sheriff. on receiving notice of the delivery of the warrant, deliver over, on application for that purpose, to the person to whom the same shall have been directed, or to any person appointed by him to receive the same, the jurors book and special jurors list belonging to the county where the lands in question shall be situate.

XLI. Upon the receipt of such warrant the sheriff shall summon a jury of Jury to be twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than eight miles distant from the lands in question, unless by consent of the parties interested, and he shall forthwith give notice to the promoters of the works of the time and place so appointed by him.

XLII. Our of the jurors appearing upon such summons a jury of twelve Jury to be persons shall be drawn by the sheriff, in such manner as juries for trials of impannelled. issues joined in the superior courts are by law required to be drawn; and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the

XLIII. THE sheriff shall preside on the said inquiry, and the party claiming Sheriff to compensation shall be deemed the plaintiff, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing, the sheriff shall summon before him any Witnesses to be person considered necessary to be examined as a witness touching the matters summoned. in question; and on the like request the sheriff shall order the jury, or any six View by jury.

Purchase of lands otherwise than by agreement.

Penalty on sheriff and jurors for default.

Penalty on witnesses making default.

Notice of inquiry.

If the party claiming make default, the inquiry not to proceed, but compensation to be determined by surveyor.

Jury to be sworn.

Sums to be paid for purchase of lands, and for damage, to be assessed separately.

Verdict and judgment to be recorded. or more of them, to view the place or matter in controversy, in like m as views may be had in the trial of actions in the superior courts.

XLIV. If the sheriff make default in any of the matters herein-required to be done by him in relation to any such trial or inquiry, he forfeit fifty pounds for every such offence, and such penalty shall be reable by the promoters of the undertaking by action in any of the succurts; and if any person summoned and returned upon any jury undor the special Act, whether common or special, do not appear, or if app he refuse to make oath, or in any other manner unlawfully neglect his he shall, unless he show reasonable excuse to the satisfaction of the forfeit a sum not exceeding ten pounds, and every such penalty payable sheriff or juryman shall be applied in satisfaction of the costs of the in so far as the same will extend; and in addition to the penalty here posed every such juryman shall be subject to the same regulations, pair penalties as if such jury had been returned for the trial of an issue joi any of the superior courts.

XLV. If any person duly summoned to give evidence upon any such is and to whom a tender of his reasonable expences shall have been made, appear at the time and place specified in the summons, without su cause, or if any person, whether summoned or not, who shall appear witness refuse to be examined on oath touching the subject matter in quevery person so offending shall forfeit to the party aggrieved a suexceeding ten pounds.

XLVI. Nor less than ten days notice of the time and place of the shall be given in writing by the promoters of the undertaking to the party.

XLVII. If the party claiming compensation shall not appear at t appointed for the inquiry such inquiry shall not be further proceeded the compensation to be paid shall be such as shall be ascertained by a s appointed by two justices in manner herein-after provided.

XLVIII. BEFORE the jury proceed to inquire of and assess the competer or damage in respect of which their verdict is to be given they shall oath that they will truly and faithfully inquire of and assess such contion or damage; and the sheriff shall administer such oaths, as well oaths of all persons called upon to give evidence.

XLIX. WHERE such inquiry shall relate to the value of lands to chased, and also to compensation claimed for injury done or to be done lands held therewith, the jury shall deliver their verdict separately for of money to be paid for the purchase of the lands required for the woof any interest therein belonging to the party with whom the questisputed compensation shall have arisen, or which under the provisions contained he is enabled to sell or convey, and for the sum of money paid by way of compensation for the damage, if any, to be sustained owner of the lands by reason of the severing of the lands taken from the lands of such owner, or otherwise injuriously affecting such lands exercise of the powers of this or the special Act, or any Act incontherewith.

L. The sheriff before whom such inquiry shall be held shall give ju for the purchase money or compensation assessed by such jury; and the

and judgment shall be signed by the sheriff, and being so signed shall be kept by the clerk of the peace among the records of the general or quarter sessions of the county in which the lands or any part thereof shall be situate in respect of which such purchase money or compensation shall have been awarded; and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof one shilling, and for every one hundred words copied or extracted therefrom sixpence, which copies or extracts the clerk of the peace is hereby required to make out, and to sign and certify the same to be true copies.

LI. On every such inquiry before a jury, where the verdict of the jury Costs of the shall be given for a greater sum than the sum previously offered by the inquiry how to be borne. promoters of the undertaking, all the costs of such inquiry shall be borne by the promoters of the undertaking; but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the promoters of the undertaking, or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one half of the costs of summoning, impannelling, and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon, in case such verdict shall be taken, shall be defrayed by the owner of the lands, and the other half by the promoters of the undertaking, and each party shall bear his own costs, other than as aforesaid, incident to such inquiry.

LII. THE costs of any such inquiry shall, in case of difference, be settled Particulars by one of the masters of the Court of Queen's Bench of England or Ireland, according as the lands are situate, on the application of either party, and such costs shall include all reasonable costs, charges, and expences incurred in summoning, impannelling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and attornies, recording the verdict and judgment thereon, and otherwise incident to such inquiry.

LIII. If any such costs shall be payable by the promoters of the under- Payment of taking, and if within seven days after demand such costs be not paid to the party entitled to receive the same, they shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly; and if any such costs shall be payable by the owner of the lands, or of any interest therein the same may be deducted and retained by the promoters of the undertaking, out of any money awarded by the jury to such owner, or determined by the valuation of a surveyor under the provision herein-after contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined the excess shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly.

LIV. IF either party desire any such question of disputed compensation as Special jury aforesaid to be tried before a special jury, such question shall be so tried, to be summoned at the provided that notice of such desire, if coming from the other party, be given request of to the promoters of the undertaking before they have issued their warrant to the sheriff; and for that purpose the promoters of the undertaking shall by their warrant to the sheriff require him to nominate a special jury for such

Purchase of lands otherwise than by agreement.

Purchase of lands otherwise than by agreement. trial; and thereupon the sheriff shall, as soon as conveniently may be after receipt by him of such warrant, summon both the parties to appear bethim, by themselves or their attornies, at some convenient time and plappointed by him, for the purpose of nominating a special jury (not being than five nor more than eight days from the service of such summons); and the place and time so appointed the sheriff shall proceed to nominate strike a special jury, in the manner in which such juries shall be required the laws for the time being in force to be nominated or struck by the profficers of the superior courts, and the sheriff shall appoint a day, not be than the eighth day after striking of such jury, for the parties or their age to appear before him to reduce the number of such jury, and thereof shall gour days notice to the parties; and on the day so appointed the sheriff s proceed to reduce the said special jury to the number of twenty, in the man used and accustomed by the proper officers of the superior courts.

Deficiency of special jurymen. LV. The special jury on such inquiry shall consist of twelve of the twenty who shall first appear on the names being called over, the par having their lawful challenges against any of the said jurymen; and if a jury do not appear, or if after such challenges a full jury do not remain, to upon the application of either party, the sheriff shall add to the list of a jury the names of any other disinterested persons qualified to act as special common jurymen, who shall not have been previously struck off the afore list, and who may then be attending the court, or can speedily be procured as to complete such jury, all parties having their lawful challenges against the matters in question by such jury; and such trial shall be attended in respects with the like incidents and consequences, and the like penalshall be applicable, as herein-before provided in the case of a trial by comparing.

Other inquiries before same special jury by consent. LVI. Any other inquiry than that for the trial of which such special may have been struck and reduced as aforesaid may be tried by such j provided the parties thereto respectively shall give their consent to trial.

Jurymen not to attend more than once a year. Compensation to absent parties to be determined by a surveyor appointed by two justices.

LVII. No juryman shall, without his consent, be summoned or require attend any such proceeding as aforesaid more than once in any year.

LVIII. THE purchase money or compensation to be paid for any land be purchased or taken by the promoters of the undertaking from any p who, by reason of absence from the kingdom, is prevented from treating who cannot after diligent inquiry be found, or who shall not appear at time appointed for the inquiry before the jury as herein-before provided after due notice thereof, and the compensation to be paid for any perma injury to such lands, shall be such as shall be determined by the valuation such able practical surveyor as two justices shall nominate for that purpos herein-after mentioned.

Two justices to nominate a surveyor. LIX. Upon application by the promoters of the undertaking to two just and upon such proof as shall be satisfactory to them that any such part by reason of absence from the kingdom, prevented from treating, or ca after diligent inquiry be found, or that any such party failed to appea such inquiry before a jury as aforesaid, after due notice to him for that pose, such justices shall, by writing under their hands, nominate an

practical surveyor for determining such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing, subscribed by him, of the correctness thereof.

Purchase of lands otherwise than by agreement.

LX. BEFORE such surveyor shall enter upon the duty of making such Declaration valuation as aforesaid he shall, in the presence of such justices, or one of them, to be made by the surveyor. make and subscribe the declaration following at the foot of such nomination; (that is to say,)

A.B. do solemnly and sincerely declare, that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

Made and subscribed in the presence of

And if any surveyor shall corruptly make such declaration, or having made such declaration shall wilfully act contrary thereto, he shall be guilty of a misdemeanor.

LXI. THE said nomination and declaration shall be annexed to the valua- Valuation, &c. tion to be made by such surveyor, and shall be preserved together therewith duced to the by the promoters of the undertaking, and they shall at all times produce the owner of the said valuation and other documents, on demand, to the owner of the lands demand. comprised in such valuation, and to all other parties interested therein.

LXII. All the expences of and incident to every such valuation shall be Expences to

borne by the promoters of the undertaking.

LXIII. In estimating the purchase money or compensation to be paid by Purchase the promoters of the undertaking, in any of the cases aforesaid, regard shall be had by the justices, arbitrators, or surveyors, as the case may be, not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith.

LXIV. When the compensation payable in respect of any lands, or any Where cominterest therein, shall have been ascertained by the valuation of a surveyor, absent party and deposited in the Bank under the provisions herein contained, by reason has been dethat the owner of or party entitled to convey such lands or such interest a surveyor, therein as aforesaid could not be found or was absent from the kingdom, if the party may such owner or party shall be dissatisfied with such valuation it shall be lawful submitted to for him, before he shall have applied to the Court of Chancery for payment or arbitration. investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation herein-before authorized or required to be submitted to arbitration.

be borne by promoters.

money and

LXV. THE question to be submitted to the arbitrators in the case last afore- Question to said shall be, whether the said sum so deposited as aforesaid by the promoters be submitted of the undertaking was a sufficient sum, or whether any and what further sum tors, ought to be paid or deposited by them.

termined by

LXVI. If the arbitrators shall award that a further sum ought to be paid If further sum

or deposited by the promoters of the undertaking, they shall pay or deposit, awarded, promoters to pay VOL. IX.

Purchase of lands otherwise than by agreement.

or deposit same within 14 days. Costs of the arbitration.

Compensation in respect of lands, &c. taken or injuriously affected, for which satisfaction shall not have been made, to be settled by arbitration or jury, at the option of the party claiming compensation.

making of such award, or in default thereof the same may be enforce attachment, or recovered, with costs, by action or suit in any of the succurts.

LXVII. If the arbitrators shall determine that the sum so deposit sufficient, the costs of and incident to such arbitration, to be determine the arbitrators, shall be in the discretion of the arbitrators; but

as the case may require, such further sum within fourteen days after

LXVII. If the arbitrators shall determine that the sum so deposite sufficient, the costs of and incident to such arbitration, to be determine the arbitrators, shall be in the discretion of the arbitrators; but arbitrators shall determine that a further sum ought to be paid or deploy the promoters of the undertaking, all the costs of and incident arbitration shall be borne by the promoters of the undertaking.

LXVIII. If any party shall be entitled to any compensation in res any lands, or of any interest therein, which shall have been taken injuriously affected by the execution of the works, and for which t moters of the undertaking shall not have made satisfaction under the proof this or the special Act, or any Act incorporated therewith, and if the pensation claimed in such case shall exceed the sum of fifty pound party may have the same settled either by arbitration or by the verd jury, as he shall think fit; and if such party desire to have the same by arbitration, it shall be lawful for him to give notice in writing promoters of the undertaking of such his desire, stating in such no nature of the interest in such lands in respect of which he claims con tion, and the amount of the compensation so claimed therein; and un promoters of the undertaking be willing to pay the amount of compe so claimed, and shall enter into a written agreement for that purpose twenty-one days after the receipt of any such notice from any party so e the same shall be settled by arbitration in the manner herein provide the party so entitled as aforesaid desire to have such question of compe settled by jury, it shall be lawful for him to give notice in writing of a desire to the promoters of the undertaking, stating such particulars a said, and unless the promoters of the undertaking be willing to amount of compensation so claimed, and enter into a written agreen that purpose, they shall, within twenty-one days after the receipt notice, issue their warrant to the sheriff to summon a jury for settl same in the manner herein provided, and in default thereof they liable to pay to the party so entitled as aforesaid the amount of compe so claimed, and the same may be recovered by him, with costs, by a any of the superior courts.

And with respect to the purchase money or compensation coming to having limited interests, or prevented from treating, or not making tit enacted as follows:

LXIX. If the purchase money or compensation which shall be parespect of any lands, or any interest therein, purchased or taken by the moters of the undertaking from any corporation, tenant for life or married woman seised in her own right or entitled to dower, guardismittee of lunatic or idiot, trustee, executor or administrator, or person a partial or qualified interest only in such lands, and not entitled to convey the same except under the provisions of this or the special Act compensation to be paid for any permanent damage to any such lands, to or exceed the sum of two hundred pounds, the same shall be paid

Application of compensation.

Purchase money or compensation payable to parties under disability, amounting to 2001., to be deposited in the Bank.

Bank, in the name and with the privity of the accountant general of the Court of Chancery in England, if the same relate to lands in England or Wales, or the accountant general of the Court of Exchequer in Ireland, if the same relate to lands in Ireland, to be placed to the account there of such accountant general, ex parte the promoters of the undertaking, (describing them by their proper name,) in the matter of the special Act, (citing it,) pursuant to the method prescribed by any Act for the time being in force for regulating monies paid into the said courts; and such monies shall remain so deposited until the same be applied to some one or more of the following purposes; (that is to say,) In the purchase or redemption of the land tax, or the discharge of any debt

or incumbrance affecting the land in respect of which such money shall of monies have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, or purposes; or

In the purchase of other lands to be conveyed, limited, and settled upon the like uses, trusts, and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such money shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, in removing or replacing such buildings, or substituting others in their stead, in such manner as the Court of Chancery shall direct; or In payment to any party becoming absolutely entitled to such money.

LXX. Such money may be so applied as aforesaid upon an order of the Order for Court of Chancery in England or the Court of Exchequer in Ireland, made application, on the petition of the party who would have been entitled to the rents and meanwhile. profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it may, upon the like order, be invested by the said accountant general in the purchase of three per centum consolidated or three per centum reduced bank annuities, or in government or real securities, and the interest, dividends, and annual proceeds thereof paid to the party who would for the time being have been entitled to the rents and profits of the lands.

LXXI. If such purchase money or compensation shall not amount to the Sums from sum of two hundred pounds, and shall exceed the sum of twenty pounds, the 20% to 200%. same shall either be paid into the Bank, and applied in the manner herein- or paid to before directed with respect to sums amounting to or exceeding two hundred trustees. pounds, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees; but such last-mentioned application of the monies shall not be made unless the promoters of the undertaking approve thereof, and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall be by such trustees applied in the manner herein-before directed with respect to money paid into the Bank, but it shall not be necessary to obtain any order of the court for that purpose.

LXXII. IF such money shall not exceed the sum of twenty pounds, the Sums not same shall be paid to the parties entitled to the rents and profits of the lands exceeding

Application of compensation.

Application of compensation.

201. to be paid to parties.

All sums
payable under
contract with
persons not
absolutely
entitled, to
be paid into
Bank, or to
trustees.

in respect whereof the same shall be payable, fortheir own use and bene in case of the coverture, infancy, idiotcy, lunacy, or other incapacity such parties, then such money shall be paid, for their use, to the res husbands, guardians, committees, or trustees of such persons.

LXXIII. ALL sums of money exceeding twenty pounds which: payable by the promoters of the undertaking in respect of the taking un interfering with any lands under a contract or agreement with any pers shall not be entitled to dispose of such lands, or of the interest there tracted to be sold by him, absolutely for his own benefit, shall be pa the Bank or to trustees in manner aforesaid; and it shall not be lawful contracting party not entitled as aforesaid to retain to his own use any of the sums so agreed or contracted to be paid for or in respect of the using, or interfering with any such lands, or in lieu of bridges, tuni other accommodation works, or for assenting to or not opposing the pa the bill authorizing the taking of such lands, but all such monies a deemed to have been contracted to be paid for and on account of the parties interested in such lands, as well in possession as in remainder, re or expectancy: Provided always, that it shall be in the discretion of th of Chancery in England or the Court of Exchequer in Ireland, or t trustees, as the case may be, to allot to any tenant for life, or for ar partial or qualified estate, for his own use, a portion of the sum so pa the Bank or to such trustees as aforesaid, as compensation for any inconvenience, or annoyance which he may be considered to sustain pendently of the actual value of the lands to be taken, and of the occasioned to the lands held therewith, by reason of the taking of suc and the making of the works.

Court of Chancery may direct application of money in respect of leases or reversions as they may think just. LXXIV. Where any purchase money or compensation paid into the under the provisions of this or the special Act shall have been paid in of any lease for a life or lives or years, or for a life or lives and y any estate in lands less than the whole fee simple thereof, or of any redependent on any such lease or estate, it shall be lawful for the Chancery in England or the Court of Exchequer in Ireland, on the perany party interested in such money, to order that the same shall be invested, accumulated, and paid in such manner as the said court makes will give to the parties interested in such money the same therefrom as they might lawfully have had from the lease, estate, or rein respect of which such money shall have been paid, or as near the may be.

Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertuking upon a deed poll being executed.

LXXV. Upon deposit in the Bank in manner herein before provided purchase money or compensation agreed or awarded to be paid in red any lands purchased or taken by the promoters of the undertaking up provisions of this or the special Act, or any Act incorporated therew owner of such lands, including in such term all parties by this Act ensell or convey lands, shall, when required so to do by the promoters undertaking, duly convey such lands to the promoters of the undertakens they shall direct; and in default thereof, or if he fail to adduce a go to such lands to their satisfaction, it shall be lawful for the promoter undertaking, if they think fit, to execute a deed poll under their commit they be a corporation, or if they be not a corporation under the

compensation.

seals of the promoters, or any two of them, containing a description of the Application of lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made, and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase money or compensation shall have been determined by a jury, or by arbitrators, or by a surveyor appointed by two justices, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking; and as against such parties, and all parties on behalf of whom they are herein-before enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands.

LXXVI. If the owner of any such lands purchased or taken by the promoters Where parties of the undertaking, or of any interest therein, on tender of the purchase money convey, or do or compensation either agreed or awarded to be paid in respect thereof refuse net show title, to accept the same, or neglect or fail to make out a title to such lands, or to found, the the interest therein claimed by him, to the satisfaction of the promoters of the purchase undertaking, or if he refuse to convey or release such lands as directed by the deposited. promoters of the undertaking, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the undertaking to deposit the purchase money or compensation payable in respect of such lands, or any interest therein, in the Bank, in the name and with the privity of the accountant general of the Court of Chancery in England or the Court of Exchequer in Ireland, to be placed, except in the cases herein otherwise provided for, to his account there, to the credit of the parties interested in such lands, (describing them, so far as the promoters of the undertaking can do,) subject to the control and disposition of the said court.

LXXVII. Upon any such deposit of money as last aforesaid being made the Upon deposit cashier of the Bank shall give to the promoters of the undertaking, or to the being made a party paying in such money by their direction, a receipt for such money, given, and specifying therein for what and for whose use (described as aforesaid) the vest in the name of the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the lands to the land same shall have been received, and in respect of what purchase the same shall moters upon a have been paid in; and it shall be lawful for the promoters of the undertaking, executed. if they think fit, to execute a deed poll under their common seal if they be a corporation, or if they be not a corporation under the bands and seals of the said promoters, or any two of them, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase money or compensation shall have been deposited shall vest

vest in the prodeed poll being

Application of compensation.

Application of monies so deposited.

absolutely in the promoters of the undertaking, and as against such they shall be entitled to immediate possession of such lands.

LXXVIII. Upon the application by petition of any party making of the money so deposited as last aforesaid, or any part thereof, or to the in respect whereof the same shall have been so deposited, or any part clands, or any interest in the same, the said Court of Chancery in Engithe Court of Exchequer in Ireland may, in a summary way, as to such shall seem fit, order such money to be laid out or invested in the public or may order distribution thereof, or payment of the dividends thereof, ing to the respective estates, titles, or interests of the parties making of such money or lands, or any part thereof, and may make such other of the premises as to such court shall seem fit.

Party in possession to be deemed the owner. LXXIX. If any question arise respecting the title to the lands in whereof such monies shall have been so paid or deposited as aforest parties respectively in possession of such lands, as being the owners the in receipt of the rents of such lands, as being entitled thereto at the such lands being purchased or taken, shall be deemed to have been lentitled to such lands, until the contrary be shown to the satisfaction court; and unless the contrary be shown as aforesaid the parties so in sion, and all parties claiming under them, or consistently with their poshall be deemed entitled to the money so deposited, and to the division to the annuities or securities purchased therewith, and the same be paid and applied accordingly.

Costs in cases of money deposited.

LXXX. In all cases of monies deposited in the Bank under the prov this or the special Act, or an Act incorporated therewith, except who monies shall have been so deposited by reason of the wilful refusal party entitled thereto to receive the same, or to convey or release t in respect whereof the same shall be payable, or by reason of the wilfu of any party to make out a good title to the land required, it shall b for the Court of Chancery in England or the Court of Exchequer in Ir order the costs of the following matters, including therein all reasonable and expences incident thereto, to be paid by the promoters of the under (that is to say,) the costs of the purchase or taking of the lands, or wh have been incurred in consequence thereof, other than such costs as a otherwise provided for, and the costs of the investment of such m government or real securities, and of the reinvestment thereof in the of other lands, and also the costs of obtaining the proper orders for an purposes aforesaid, and of the orders for the payment of the divide interest of the securities upon which such monies shall be invested, and payment out of court of the principal of such monies, or of the s whereon the same shall be invested, and of all proceedings relating except such as are occasioned by litigation between adverse claiman vided always, that the costs of one application only for reinvestment shall be allowed, unless it shall appear to the Court of Chancery in En the Court of Exchequer in Ireland that it is for the benefit of the interested in the said monies that the same should be invested in the of lands in different sums and at different times, in which case it lawful for the court, if it think fit, to order the costs of any such inve to be paid by the promoters of the undertaking.

And with respect to the conveyances of lands, be it enacted as follows:

LXXXI. Conveyances of lands to be purchased under the provisions of Form of conthis or the special Act, or any Act incorporated therewith, may be according veyances. to the forms in the schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the promoters of the undertaking may think fit; and all conveyances made according to the forms in the said schedules, or as near thereto as the circumstances of the case will admit, shall be effectual to vest the lands thereby conveyed in the promoters of the undertaking, and shall operate to merge all terms of years attendant by express declaration, or by construction of law, on the estate or interest so thereby conveyed, and to bar and to destroy all such estates tail, and all other estates, rights, titles, remainders. reversions, limitations, trusts, and interests whatsoever, of and in the lands comprised in such conveyances, which shall have been purchased or compensated for by the consideration therein mentioned; but although terms of years be thereby merged, they shall in equity afford the same protection as if they had been kept on foot, and assigned to a trustee for the promoters of the undertaking to attend the reversion and inheritance.

LXXXII. THE costs of all such conveyances shall be borne by the pro- Costs of conmoters of the undertaking; and such costs shall include all charges and expences, incurred on the part as well of the seller as of the purchaser, of all conveyances and assurances of any such lands, and of any outstanding terms or interest therein, and of deducing, evidencing, and verifying the title to such lands, terms, or interests, and of making out and furnishing such abstracts and attested copies as the promoters of the undertaking may require, and all other reasonable expences incident to the investigation, deduction, and verification of such title.

LXXXIII. If the promoters of the undertaking and the party entitled to Taxation of any such costs shall not agree as to the amount thereof, such costs shall be costs of conveyances. taxed by one of the taxing masters of the Court of Chancery, or by a master in Chancery in Ireland, upon an order of the same court, to be obtained upon petition in a summary way by either of the parties; and the promoters of the undertaking shall pay what the said master shall certify to be due in respect of such costs to the party entitled thereto, or in default thereof the same may be recovered in the same way as any other costs payable under an order of the said court, or the same may be recovered by distress in the manner hereinbefore provided in other cases of costs; and the expence of taxing such costs shall be borne by the promoters of the undertaking, unless upon such taxation one sixth part of the amount of such costs shall be disallowed, in which case the costs of such taxation shall be borne by the party whose costs shall be so taxed, and the amount thereof shall be ascertained by the said master, and deducted by him accordingly in his certificate of such taxation.

And with respect to the entry upon lands by the promoters of the undertaking, be it enacted as follows:

LXXXIV. THE promoters of the undertaking shall not, except by consent Payment of of the owners and occupiers, enter upon any lands which shall be required to price to be be purchased or permanently used for the purposes and under the powers of to entry, this or the special Act, until they shall either have paid to every party having except to survey, &c. any interest in such lands, or deposited in the Bank, in the manner herein

Conveyances.

Entry on lands.

Entry on lands.

mentioned, the purchase money or compensation agreed or awarded to be to such parties respectively for their respective interests therein: Pro always, that for the purpose merely of surveying and taking levels of lands, and of probing or boring to ascertain the nature of the soil, a setting out the line of the works, it shall be lawful for the promoters undertaking, after giving not less than three nor more than fourteen notice to the owners or occupiers thereof, to enter upon such lands we previous consent, making compensation for any damage thereby occasion the owners or occupiers thereof.

Promoters to be allowed to enter on lands before purchase, on making deposit by way of security and giving bond.

LXXXV. Provided also, that if the promoters of the undertaking sh desirous of entering upon and using any such lands before an agreemen have been come to or an award made or verdict given for the purchase or compensation to be paid by them in respect of such lands, it shall be for the promoters of the undertaking to deposit in the Bank by w security, as herein-after mentioned, either the amount of purchase more compensation claimed by any party interested in or entitled to sell and c such lands, and who shall not consent to such entry, or such a sum as by a surveyor appointed by two justices in the manner herein-before proin the case of parties who cannot be found, be determined to be the va such lands, or of the interest therein which such party is entitled to or en to sell and convey, and also to give to such party a bond, under the co seal of the promoters if they be a corporation, or if they be not a corpo under the hands and seals of the said promoters, or any two of them two sufficient sureties, to be approved of by two justices in case the differ, in a penal sum equal to the sum so to be deposited, condition payment to such party, or for deposit in the Bank for the benefit of the interested in such lands, as the case may require, under the provisions contained, of all such purchase money or compensation as may in n herein-before provided be determined to be payable by the promoters undertaking in respect of the lands so entered upon, together with in thereon at the rate of five pounds per centum per annum from the t entering on such lands until such purchase money or compensation s paid to such party, or deposited in the Bank for the benefit of the interested in such lands, under the provisions herein contained; and upo deposit by way of security being made as aforesaid, and such bond delivered or tendered to such non-consenting party as aforesaid, it sl lawful for the promoters of the undertaking to enter upon and us lands, without having first paid or deposited the purchase money or com tion in other cases required to be paid or deposited by them before en upon any lands to be taken by them under the provisions of this special Act.

Upon deposit being made cashier to give receipt.

LXXXVI. THE money so to be deposited as last aforesaid shall be partied the Bank in the name and with the privity of the accountant general Court of Chancery in England or the Court of Exchequer in Ireland, placed to his account there to the credit of the parties interested in or extended to such entry, subject to the control and disposition of the court; and upon such deposit being made the cashier of the Bank shall to the promoters of the undertaking, or to the party paying in such more

their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

LXXXVII. THE money so deposited as last aforesaid shall remain in the Deposit to Bank, by way of security to the parties whose lands shall so have been entered security, and upon for the performance of the condition of the bond to be given by the to be applied promoters of the undertaking, as herein-before mentioned, and the same may, direction of on the application by petition of the promoters of the undertaking, be ordered the court. to be invested in bank annuities or government securities, and accumulated; and upon the condition of such bond being fully performed it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or if such condition shall not be fully performed it shall be lawful for the said court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall so have been deposited.

LXXXVIII. If at any time the company be unable, by reason of the closing The company of the office of the accountant general of the Court of Chancery in England or the Court of Exchequer in Ireland, to obtain his authority in respect of the payment of any sum of money so authorized to be deposited in the Bank by way of security as aforesaid, it shall be lawful for the company to pay into the time that the Bank to the credit of such party or matter as the case may require, (subject nevertheless to being dealt with as herein-after provided, and not otherwise,) such sum of money as the promoters of the undertaking shall, by some writing signed by their secretary or solicitors for the time being addressed to the governor and company of the Bank in that behalf, request, and upon any such payment being made the cashier of the Bank shall give a certificate thereof; and in every such case, within ten days after the re-opening of the said accountant general's office, the solicitor for the promoters of the undertaking shall there bespeak the direction for the payment of such sum into the name of the accountant general, and upon production of such direction at the Bank of England the money so previously paid in shall be placed to the credit of the said accountant general accordingly, and the receipt for the said payment be given to the party making the same in the usual way, for the purpose of being filed at the Report Office.

LXXXIX. If the promoters of the undertaking or any of their contractors Penalty on shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes taking entering of the special Act without such consent as aforesaid or without having made of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or such sent before deposit by way of security as aforesaid, the promoters of the undertaking shall payment of the purchase forfeit to the party in possession of such lands the sum of ten pounds, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before two justices; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day they or their contractors shall so remain in possession as aforesaid, such

Entry on

may pay the deposit money into the Bank by way of security during the office of the accountant general is closed.

the promoters of the underwithout conmoney.

Entry on lands.

penalty to be recoverable by the party in possession of such lands, with coby action in any of the superior courts: Provided always, that nothing her contained shall be held to subject the promoters of the undertaking to payment of any such penalties as aforesaid, if they shall bona fide and with collusion have paid the compensation agreed or awarded to be paid in resport the said lands to any person whom the promoters of the undertaking thave reasonably believed to be entitled thereto, or shall have deposited same in the Bank for the benefit of the parties interested in the lands, or must be deposited by way of security in respect thereof as herein-before mentional although such person may not have been legally entitled thereto.

XC. On the trial of any action for any such penalty as aforesaid the deciof the justices under the provision herein-before contained shall not be
conclusive as to the right of entry on any such lands by the promoters of
undertaking.

XCI. If in any case in which, according to the provisions of this or

XCI. If in any case in which, according to the provisions of this or special Act, or any Act incorporated therewith, the promoters of the un taking are authorized to enter upon and take possession of any lands requ for the purposes of the undertaking, the owner or occupier of any such 1: or any other person refuse to give up the possession thereof, or hinder the moters of the undertaking from entering upon or taking possession of the sa it shall be lawful for the promoters of the undertaking to issue their war. to the sheriff to deliver possession of the same to the person appointed in warrant to receive the same, and upon the receipt of such warrant the sh shall deliver possession of any such lands accordingly; and the costs accr by reason of the issuing and execution of such warrant, to be settled by sheriff, shall be paid by the person refusing to give possession; and the ame of such costs shall be deducted and retained by the promoters of the un taking from the compensation, if any, then payable by them to such part if no such compensation be payable to such party, or if the same be less t the amount of such costs, then such costs, or the excess thereof beyond compensation, if not paid on demand, shall be levied by distress, and application to any justice for that purpose he shall issue his war accordingly.

XCII. And be it enacted, that no party shall at any time be required sell or convey to the promoters of the undertaking a part only of any hor other building or manufactory, if such party be willing and able to sell convey the whole thereof.

And with respect to small portions of intersected land, be it enacted follows:

XCIII. If any lands, not being situate in a town or built upon, shall I cut through and divided by the works as to leave, either on both sides or one side thereof, a less quantity of land than half a statute acre, and if owner of such small parcel of land require the promoters of the undertakin purchase the same along with the other land required for the purposes of special Act, the promoters of the undertaking shall purchase the saccordingly, unless the owner thereof have other land adjoining to the left into which the same can be thrown, so as to be conveniently occur therewith; and if such owner have any other land so adjoining, the promot of the undertaking shall, if so required by the owner, at their own expe

Decision of justices not conclusive as to the right of the promoters.

Proceedings in case of refusal to deliver possession of lands,

Parties not to be required to sell part of a house, &c. if able and willing to sell the whole.

Intersected lands.

Owners of intersected lands may insist on sale.

Exception.

throw the piece of land so left into such adjoining land, by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

Intersected lands.

XCIV. If any such land shall be so cut through and divided as to leave on Promoters of either side of the works a piece of land of less extent than half a statute acre, or of less value than the expence of making a bridge, culvert, or such other insist on purcommunication between the land so divided as the promoters of the undertaking are, under the provisions of this or the special Act, or any Act incor- bridges, &c. porated therewith, compellable to make, and if the owner of such lands have exceeds the value. not other lands adjoining such piece of land, and require the promoters of the undertaking to make such communication, then the promoters of the undertaking may require such owner to sell to them such piece of land; and any dispute as to the value of such piece of land, or as to what would be the expence of making such communication, shall be ascertained as herein provided for cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works the jury or the arbitrators, as the case may be, shall, if required by either party, ascertain by their verdict or award the value of any such severed piece of land, and also what would be the expence of making such communication.

And with respect to copyhold lands, be it enacted as follows:

Copyholde.

XCV. EVERY conveyance to the promoters of the undertaking of any lands which shall be of copyhold or customary tenure, or of the nature thereof, shall of copyhold be entered on the rolls of the manor of which the same shall be held or parcel; lands to be enrolled. and on payment to the steward of such manor of such fees as would be due to him on the surrender of the same lands to the use of a purchaser thereof he shall make such enrolment; and every such conveyance, when so enrolled, shall have the like effect, in respect of such copyhold or customary lands, as if the same had been of freehold tenure, nevertheless, until such lands shall have been enfranchised by virtue of the powers herein-after contained, they shall continue subject to the same fines, rents, heriots, and services as were theretofore payable and of right accustomed.

Conveyances

XCVI. WITHIN three months after the enrolment of the conveyance of any Copyhold such copyhold or customary lands, or within one month after the promoters of lands conveyed the undertaking shall enter upon and make use of the same for the purposes moters to be of the works, whichever shall first happen, or if more than one parcel of such lands holden of the same manor shall have been taken by them, then within one month after the last of such parcels shall have been so taken or entered on by them, the promoters of the undertaking shall procure the whole of the lands holden of such manor so taken by them to be enfranchised, and for that purpose shall apply to the lord of the manor whereof such lands are holden to enfranchise the same, and shall pay to him such compensation in respect thereof as shall be agreed upon between them and him, and if the parties fail for enfranchiseto agree respecting the amount of the compensation to be paid for such enfranchisement the same shall be determined as in other cases of disputed compensation; and in estimating such compensation the loss in respect of the fines, heriots, and other services payable on death, descent, or alienation, or any other matters which would be lost by the vesting of such copyhold or customary lands in the promoters of the undertaking, or by the enfranchisement of the same, shall be allowed for.

enfranchised.

Compensation

Copyholds.

Lord of the manor to enfranchise on payment of compensation.

Enfranchisement by deed poll in certain cases. XCVII. Upon payment or tender of the compensation so agreed upon or determined, or on deposit thereof in the Bank in any of the cases herein-before in that behalf provided, the lord of the manor whereof such copyhold or customary lands shall be holden shall enfranchise such lands, and the lands so enfranchised shall for ever thereafter be held in free and common soccage; and in default of such enfranchisement by the lord of the manor, or if he fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of the enfranchisement whereof such compensation shall have been deposited as aforesaid shall be deemed to be enfranchised, and shall be for ever thereafter held in free and common soccage.

Apportionment of copyhold rents.

XCVIII. If any such copyhold or customary lands be subject to any customary or other rent, and part only of the land subject to any such rent be required to be taken for the purposes of the special Act, the apportionment of such rent may be settled by agreement between the owner of the lands and the lord of the manor on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement, then the same shall be settled by two justices; and the enfranchisement of any copyhold or customary lands taken by virtue of this or the special Act, or the apportionment of such rents, shall not affect in other respects any custom by or under which any such copyhold or customary lands not taken for such purposes shall be held; and if any of the lands so required be released from any portion of the rents to which they were subject jointly with any other lands, such last-mentioned lands shall be charged with the remainder only of such rents; and with reference to any such apportioned rents, the lord of the manor shall have all the same rights and remedies over the lands to which such apportioned rent shall have been assigned or attributed as he had previously over the whole of the lands subject to such rents for the whole of such rents.

Common lands.

Compensation for common lands, where held of a manor, &c. how to be paid. And with respect to any such lands being common or waste lands, be it enacted as follows:

XCIX. The compensation in respect of the right in the soil of any lands subject to any rights of common shall be paid to the lord of the manor, in case he shall be entitled to the same, or to such party, other than the commoners, as shall be entitled to such right in the soil; and the compensation in respect of all other commonable and other rights in or over such lands, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of such lands, shall be determined and paid and applied in manner herein-after provided with respect to common lands the right in the soil of which shall belong to the commoners; and upon payment or deposit in the Bank of the compensation so determined all such commonable and other rights shall cease and be extinguished.

C. Upon payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation which shall have been agreed upon or determined in respect of the right in the soil of any such lands, or on deposit thereof in the Bank in any of the cases herein-before in that behalf provided, such lord of the manor, or such other party as aforesaid, shall convey such

Lord of the manor, &c. to convey to the promoters of the undertaking, on receiving comlands to the promoters of the undertaking, and such conveyance shall have the Common lands. effect of vesting such lands in the promoters of the undertaking, in like manner pensation for as if such lord of the manor, or such other party as aforesaid, had been seised his interest. in fee simple of such lands at the time of executing such conveyance; and in default of such conveyance it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner Deed poll to be herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect whereof such last-mentioned compensation shall have been deposited as aforesaid shall vest absolutely in the promoters of the undertaking, and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until such rights shall have been extinguished by payment or deposit of the compensation for the same in manner herein-after provided.

certain cases.

CI. THE compensation to be paid with respect to any such lands, being Compensation common lands, or in the nature thereof, the right to the soil of which shall for common lands where belong to the commoners, as well as the compensation to be paid for the not held of commonable and other rights in or over common lands the right in the soil a manor how to be ascerwhereof shall not belong to the commoners, other than the compensation to tained. the lord of the manor, or other party entitled to the soil thereof, in respect of his right in the soil thereof, shall be determined by agreement between the promoters of the undertaking and a committee of the parties entitled to commonable or other rights in such lands, to be appointed as next herein-after mentioned.

CII. It shall be lawful for the promoters of the undertaking to convene a A meeting of meeting of the parties entitled to commonable or other rights over or in such the parties interested to lands to be held at some convenient place in the neighbourhood of the lands, be convened. for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable or other rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the parish church where such meeting is intended to be held, or if there be no such church some other place in the neighbourhood to which notices are usually affixed; and if such lands be parcel or holden of a manor, a like notice shall be given to the lord of such manor.

CIII. It shall be lawful for the meeting so called to appoint a committee, Meeting to not exceeding five in number, of the parties entitled to any such rights; and committee. at such meeting the decision of the majority of the persons entitled to commonable rights present shall bind the minority and all absent parties.

CIV. It shall be lawful for the committee so chosen to enter into an agree- Committee ment with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable and other rights, and all matters of the underrelating thereto, for and on behalf of themselves and all other parties interested therein; and all such parties shall be bound by such agreement; and it shall be lawful for such committee to receive the compensation so agreed to be paid,

Common lands.

and the receipt of such committee, or of any three of them, for such compensation shall be an effectual discharge for the same; and such compensation. when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests, but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or nonapplication thereof.

Disputes to be settled as in other cases.

CV. If upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation.

If no committee be appointed, the amount to be determined by a surveyor.

CVI. IF, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such commonable or other rights shall take place, or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a surveyor, to be appointed by two justices, as herein-before provided in the case of parties who cannot be found.

Upon payment of compensation payable to commoners. the lands to vest.

CVII. Upon payment or tender to such committee, or any three of them, or if there shall be no such committee then upon deposit in the Bank in the manner provided in the like case of the compensation which shall have been agreed upon or determined in respect of such commonable or other rights, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, by an order to be made upon petition, to order payment of the money so deposited to a committee to be appointed as aforesaid or to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

Lands in mortgage.

Power to

redeem

mortgages.

And with respect to lands subject to mortgage, be it enacted as follows:

CVIII. It shall be lawful for the promoters of the undertaking to purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of the special Act, and that whether they shall have previously purchased the equity of redemption of such lands or not, and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such mortgage or not, and whether such mortgage affect such lands solely, or jointly with any other lands not required for the purposes of the special Act; and in order thereto the promoters of the undertaking may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct; or the promoters of the undertaking may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving

Lands in mortgage.

such notice; and if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the promoters of the undertaking to the mortgagee of the principal money due on such mortgage, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expences, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct.

CIX. IF, in either of the cases aforesaid, upon such payment or tender any Deposit of mortgagee shall fail to convey or release his interest in such mortgage as more on directed by the promoters of the undertaking, or if he fail to adduce a good refusal to title thereto to their satisfaction, then it shall be lawful for the promoters of the undertaking to deposit in the Bank, in the manner provided by this Act in like cases, the principal and interest, together with the costs, if any, due on such mortgage, and also, if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee, and of all persons in trust for him, or for whom he may be a trustee. in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession.

CX. If any such mortgaged lands shall be of less value than the principal Sum to be interest, and costs secured thereon, the value of such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall exceeds the be settled by agreement between the mortgagee of such lands and the party lands. entitled to the equity of redemption thereof on the one part, and the promoters of the undertaking on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the promoters of the undertaking, or as they shall direct.

CXI. If upon such payment or tender as aforesaid being made any such Deposit of mortgagee fail so to convey his interest in such mortgage, or to adduce a good such sum when refused on title thereto to the satisfaction of the promoters of the undertaking, it shall tender. be lawful for them to deposit the amount of such value or compensation in the Bank, in the manner provided by this Act in like cases; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of

ralue of the

Lands in mortgage.

lands by them; and thereupon such lands, as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession; nevertheless all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the right to such lands, shall remain in force in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

CXII. If a part only of any such mortgaged lands be required for the purposes of the special Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the promoters of the undertaking on the other; and if the parties aforesaid fail to agree respecting the amount of such value or compensation the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to such mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to them, or as they shall direct, all his interest in such mortgaged lands the value whereof shall have been so paid; and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee; and a copy of such memorandum shall at the same time (if required) be furnished by the promoters of the undertaking, at their expence, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of such sum when refused on tender.

CXIII. IF upon payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined such mortgages shall fail to convey or release to the promoters of the undertaking, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for the promoters of the undertaking to pay the amount of such value or compensation into the Bank, in the manner provided by this Act in the case of monies required to be deposited in such bank; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon such lands shall become absolutely vested in the promoters of the undertaking, as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, and in case such mortgagee were himself entitled to such possession they shall be

entitled to immediate possession thereof; nevertheless every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money, or the residue thereof, (as the case may be,) and the Powers of interest thereof respectively, upon and out of the residue of such mortgaged lands, or the portion thereof not required for the purposes of the special Act, residue of as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage.

Lands in mortgage.

mortgagee for recovery of mortgage debt.

CXIV. Provided always, that in any of the cases herein-before provided Compensation with respect to lands subject to mortgage, if in the mortgage deed a time shall in certain have been limited for payment of the principal money thereby secured, and cases if mortunder the provisions herein-before contained the mortgagee shall have been off before the required to accept payment of his mortgage money, or of part thereof, at a stipulated time earlier than the time so limited, the promoters of the undertaking shall pay to such mortgagee, in addition to the sum which shall have been so paid off, all such costs and expences as shall be incurred by such mortgagee in respect of or which shall be incidental to the re-investment of the sum so paid off, such costs, in case of difference, to be taxed, and payment thereof enforced, in the manner herein provided with respect to the costs of conveyances; and if the rate of interest secured by such mortgage be higher than at the time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current rate of interest. such mortgagee shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest herein-before provided for. compensation in respect of the loss to be sustained by him by reason of his mortgage money being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such mortgagee, to possession of the mortgaged lands under the provision hereinbefore contained.

And with respect to lands charged with any rent service, rent-charge, or chief or other rent, or other payment or incumbrance not herein-before provided for, be it enacted as follows:

Rent charges.

CXV. IF any difference shall arise between the promoters of the undertaking Consideration and the party entitled to any such charge upon any lands required to be taken for the purposes of the special Act, respecting the consideration to be lands from paid for the release of such lands therefrom, or from the portion thereof rent-charges. affecting the lands required for the purposes of the special Act, the same shall be determined as in other cases of disputed compensation.

to be paid for

CXVI. IF part only of the lands charged with any such rent service, rentcharge, chief or other rent, payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by two justices; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party

VOL. IX.

Release of part of land irem charge. Rent-charges.

Deposit in case of refusal to release.

Charge to continue on lands not taken. entitled to such charge to release therefrom the lands required, on condin consideration of such other lands remaining exclusively subject to thereof.

CXVII. Upon payment or tender of the compensation so agreed determined to the party entitled to any such charge as aforesaid, such shall execute to the promoters of the undertaking a release of such and if he fail so to do, or if he fail to adduce good title to such charge satisfaction of the promoters of the undertaking, it shall be lawful for deposit the amount of such compensation in the Bank, in the manner before provided in like cases, and also, if they think fit, to execute a duly stamped, in the manner herein-before provided in the case of the of lands by them, and thereupon the rent service, rent-charge, chief rent, payment or incumbrance, or the portion thereof in respect when compensation shall so have been paid, shall cease and be extinguished.

CXVIII. If any such lands be so released from any such charge of brance, or portion thereof, to which they were subject jointly with ot such last-mentioned lands shall alone be charged with the whole charge, or with the remainder thereof, as the case may be, and t entitled to the charge shall have all the same rights and remedies of last-mentioned lands, for the whole or for the remainder of the charge case may be, as he had previously over the whole of the lands subjec charge; and if upon any such charge or portion of charge being so the deed or instrument creating or transferring such charge be tender promoters of the undertaking for the purpose, they or two of the subscribe, or if they be a corporation shall affix their common memorandum of such release endorsed on such deed or instrument, what part of the lands originally subject to such charge shall h purchased by virtue of the special Act, and if the lands be released t of such charge, what proportion of such charge shall have been and how much thereof continues payable, or if the lands so requi have been released from the whole of such charge, then that the lands are thenceforward to remain exclusively charged therewith; memorandum shall be made and executed at the expence of the of the undertaking, and shall be evidence in all courts and elsewhe facts therein stated, but not so as to exclude any other evidence of facts.

Where part only of lands under lease taken, the rent to be apportioned. And with respect to lands subject to leases, be it enacted as follow CXIX. If any lands shall be comprised in a lease for a term unexpired, part only of which lands shall be required for the purpospecial Act, the rent payable in respect of the lands comprised in shall be apportioned between the lands so required and the residulands; and such apportionment may be settled by agreement be lessor and lessee of such lands on the one part, and the promote undertaking on the other part, and if such apportionment be not so agreement between the parties such apportionment shall be settle justices; and after such apportionment the lessee of such lands shall, future accruing rent, be liable only to so much of the rent as shapportioned in respect of the lands not required for the purposes of the Act; and as to the lands not so required, and as against the lessee, the same of the lands are required.

shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

CXX. Every such lessee as last aforesaid shall be entitled to receive from Tenants to be the promoters of the undertaking compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not

required, or otherwise by reason of the execution of the works.

CXXI. If any such lands shall be in the possession of any person having no Compensation greater interest therein than as tenant for a year or from year to year, and if to be made to tenants from such person be required to give up possession of any lands so occupied by him year to year, before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by an in-coming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by severing the lands held by him, or otherwise injuriously affecting the same; and the amount of such compensation shall be determined by two justices, in case the parties differ about the same; and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the promoters of the undertaking, or to the person appointed by them to take possession thereof, any such lands in their possession required for the purposes of the special Act.

CXXII. If any party, having a greater interest than as tenant at will, interest claim compensation in respect of any unexpired term or interest under any claimed than lease or grant of any such lands, the promoters of the undertaking may require from year to such party to produce the lease or grant in respect of which such claim shall grant to be be made, or the best evidence thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease or grant, or such best evidence thereof, be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

CXXIII. And be it enacted, that the powers of the promoters of the under- Limit of taking for the compulsory purchase or taking of lands for the purposes of the compulsory special Act shall not be exercised after the expiration of the prescribed period, purchase. and if no period be prescribed not after the expiration of three years from the

passing of the special Act.

And with respect to interests in lands which have by mistake been omitted to be purchased, be it enacted as follows:

CXXIV. If at any time after the promoters of the undertaking shall have Purchase by entered upon any lands which under the provisions of this or the special Act, promoters of or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the purposes of the special Act, any party shall appear to be entitled to any estate, right, or interest in or charge the purchase affecting such lands which the promoters of the undertaking shall through whereof may mistake or inadvertence have failed or omitted duly to purchase or to pay

Leases.

compensated.

Where greater

Interests omitted to be purchased.

taking, after entry on lands, of interests omitted by mistake.

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Interests omitted to be purchased.

compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the promoters of the undertaking shall remain in the undisturbed possession of such lands, provided within six months after notice of such estate, right, interest, or charge, in case the same shall not be disputed by the promoters of the undertaking, or in case the same shall be disputed then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the promoters of the undertaking shall purchase or pay compensation for the same, and shall also pay to such party, or to any other party who may establish a right thereto, full compensation for the mesne profits or interest which would have accrued to such parties respectively in respect thereof during the interval between the entry of the promoters of the undertaking thereon and the time of the payment of such purchase money or compensation by the promoters of the undertaking, so far as such mesne profits or interest may be recoverable in law or equity; and such purchase money or compensation shall be agreed on or awarded and paid in like manner as according to the provisions of this Act the same respectively would have been agreed on or awarded and paid in case the promoters of the undertaking had purchased such estate right interest, or charge before their entering upon such land, or as near thereto as circumstances will admit.

Mesne profits to be accounted for.

How value of such interests and mesne profits shall be estimated. CXXV. In estimating the compensation to be given for any such last-mentioned lands, or any estate or interest in the same, or for any mesne profits thereof, the jury, or arbitrators, or justices, as the case may be, shall assess the same according to what they shall find to have been the value of such lands, estate or interest, and profits, at the time such lands were entered upon by the promoters of the undertaking, and without regard to any improvements or works made in the said lands by the promoters of the undertaking, and as though the works had not been constructed.

Promoters of the undertaking to pay the costs of litigation as to such interests. CXXVI. In addition to the said purchase money, compensation, or satisfaction, and before the promoters of the undertaking shall become absolutely entitled to any such estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the company, and determined in favour of the party claiming the same, pay the full costs and expences of any proceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof shall have taken place; and such costs and expences shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

Sale of superfluous land. And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof, be it enacted as follows:

Lands not wanted to be sold within 10 years after expiration of time limited for completion of works, or in default to vest

CXXVII. WITHIN the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the special Act for the completion of the works, the promoters of the undertaking shall absolutely sell and dispose of all such superfluous lands, and apply the purchase money arising from such sales to the purposes of the special Act; and in default thereof all such superfluous lands remaining unsold at the expiration of such

period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

CXXVIII. BEFORE the promoters of the undertaking dispose of any such lands. superfluous lands they shall, unless such lands be situate within a town, or be Lands not in a lands built upon or used for building purposes, first offer to sell the same to upon, &c. to the person then entitled to the lands (if any) from which the same were be offered to originally severed; or if such person refuse to purchase the same, or cannot lands from after diligent inquiry be found, then the like offer shall be made to the person which they or to the several persons whose lands shall immediately adjoin the lands so taken, or to proposed to be sold, such persons being capable of entering into a contract for adjoining the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

Sale of superfluous land.

in owners of adjoining were originally

CXXIX. IF any such persons be desirous of purchasing such lands, then Right of prewithin six weeks after such offer of sale they shall signify their desire in that be claimed behalf to the promoters of the undertaking; or if they decline such offer, or if within six for six weeks they neglect to signify their desire to purchase such lands, the offer. right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing Evidence of refusal, &c. made before a justice by some person not interested in the matter in question, to exercise stating that such offer was made, and was refused, or not accepted within six right. weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

CXXX. IF any person entitled to such pre-emption be desirous of purchasing Differences any such lands, and such person and the promoters of the undertaking do not as to price to be settled by agree as to the price thereof, then such price shall be ascertained by arbitra- arbitration. tion, and the costs of such arbitration shall be in the discretion of the arbitrators.

CXXXI. Upon payment or tender to the promoters of the undertaking of Lands to be the purchase money so agreed upon or determined as aforesaid they shall conveyed to the purchasers. convey such lands to the purchasers thereof, by deed under the common seal of the promoters of the undertaking if they be a corporation, or if not a corporation under the hands and seals of the promoters of the undertaking, or any two of the directors or managers thereof acting by the authority of the body; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him; and a receipt under such common seal, or under the hands of two of the directors or managers of the undertaking, as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received.

CXXXII. In every conveyance of lands to be made by the promoters of the Effect of the word "grant undertaking under this or the special Act the word "grant" shall operate as in conveyances. express covenants by the promoters of the undertaking, for themselves and

Sale of superfluous land. their successors, or for themselves, their heirs, executors, administrators, and assigns, as the case may be, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say,)

A covenant that, notwithstanding any act or default done by the promoters of the undertaking, they were at the time of the execution of such conveyance seised or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them:

A covenant that the grantee of such lands, his heirs, successors, executors, administrators, and assigns, (as the case may be,) shall quietly enjoy the same against the promoters of the undertaking, and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the promoters of the undertaking and their successors from all incumbrances created by the promoters of the undertaking:

A covenant for further assurance of such lands, at the expence of such grantee, his heirs, successors, executors, administrators, or assigns, (as the case may be,) by the promoters of the undertaking, or their successors, and all other persons claiming under them:

And all such grantees, and their several successors, heirs, executors, administrators, and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyances.

Until completion of works, promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken.

CXXXIII. And be it enacted, that if the promoters of the undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any lands charged with the land tax, or liable to be assessed to the poor's rate, they shall from time to time, until the works shall be completed and assessed to such land tax or poor's rate, be liable to make good the deficiency in the several assessments for land tax and poor's rate by reason of such lands having been taken or used for the purposes of the works; and such deficiency shall be computed according to the rental at which such lands, with any building thereon, were valued or rated at the time of the passing of the special Act; and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the collector of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking think fit to redeem such land tax, they may do so, in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

Land tax may be redeemed.

Notices.
Service of notices upon promoters.

CXXXIV. AND be it enacted, that any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the promoters of the undertaking, may be served by the same being left at or transmitted through the post directed to the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or

think fit.

being given or transmitted through the post directed to the secretary, or in case there be no secretary the solicitor of the said promoters.

CXXXV. AND be it enacted, that if any party shall have committed any Tender of irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such lastmentioned party shall not recover in any such action; and if no such tender Payment into shall have been made it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of forfeitures, penalties, and costs, be it enacted as follows:

Recovery of penalties.

CXXXVI. EVERY penalty or forfeiture imposed by this or the special Act, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two before two justices; and on complaint being made to any justice he shall issue a summons, requiring the party complained against to appear before two justices at a time and place to be named in such summons; and every such summons shall be served on the party offending either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall

Penalties to be summarily justices.

CXXXVII. If forthwith upon any such adjudication as aforesaid the Penalties to amount of the penalty or forfeiture, and of such costs as aforesaid, be not distress. paid, the amount of such penalty and costs shall be levied by distress; and such justices, or either of them, shall issue their or his warrant of distress accordingly.

CXXXVIII. WHERE in this or the special Act, or any Act incorporated Distress how therewith, any sum of money, whether in the nature of penalty, costs, or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expences of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

to be levied.

CXXXIX. THE justices by whom any such penalty or forfeiture shall be Application imposed may, where the application thereof is not otherwise provided for, award not more than one half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence

of penalties.

Recovery of penalties.

Distress against the treasurer.

Notice to treasurer.

Reimbursement of treasurer.

Distress not unlawful for want of form, &c.

Penalties to be sued for within six months.

Penalty on witnesses making default.

Form of conviction.

Proceedings not to be quashed for want of form, &c.

Appeal.

Parties allowed to appeal to

shall have been committed to be applied in aid of the poor's rate of such parish,

CXL. If any such sum shall be payable by the promoters of the undertaking, and if sufficient goods of the said promoters cannot be found whereon to levy the same, it may, if the amount thereof do not exceed twenty pounds, be recovered by distress of the goods of the treasurer of the said promoters, and the justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expences occasioned thereby, out of any money belonging to the promoters of the undertaking coming into his custody or control, or he may sue them for the same.

CXLI. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CXLII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within six months next after the commission of such offence.

CXLIII. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction, under the provisions of this or the special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

CXLIV. THE justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (C.) to this Act annexed.

CXLV. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

CXLVI. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such

party may appeal to the general quarter sessions for the county or place in quarter sessions, which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

CXLVII. At the quarter sessions for which such notice shall be given the Court to court shall proceed to hear and determine the appeal in a summary way, or order as they may, if they think fit, adjourn it to the following sessions; and upon the they think hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CXLVIII. PROVIDED always, and be it enacted, that notwithstanding any Receiver of the thing herein or in the special Act, or any Act incorporated therewith, con-police district tained every penalty or forfeiture imposed by this or the special Act, or any to receive Act incorporated therewith, or by any bye law in pursuance thereof, in respect curred within of any offence which shall take place within the metropolitan police district, his district. shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied, in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third year of the reign of her present Majesty, intituled "An Act for 2 & 3 Vict. "regulating the police courts in the metropolis"; and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expences, as he or they would have had or

CXLIX. And be it enacted, that any person who upon any examination Persons upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be to penalties liable to the penalties of wilful and corrupt perjury.

pursuance of the provisions of the said last-mentioned Act.

been entitled to in case the order, conviction, and appeal had been made in

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

evidence liable of perjury. Access to

special Act.

CL. THE company shall at all times after the expiration of six months special Ac after the passing of the special Act keep in their principal office of business a be kept and

Access to special Act.

deposited, and allowed to be inspected.

7 Will. 4. & 1 Viet. c. 83.

Penalty on company failing to keep or deposit such copies.

Act not to extend to Scotland, copy of the special Act, printed by the printers to her Majesty, or so them; and where the undertaking shall be a railway, canal, or other undertaking, the works of which shall not be confined to one town or shall also within the space of such six months deposit in the office of extend a copy of such special Act, so printed as aforesaid; and the said of the peace shall receive, and they and the company respectively shall the said copies of the special Act, and shall permit all persons interest inspect the same, and make extracts or copies therefrom, in the like mand upon the like terms and under the like penalty for default provided in the case of certain plans and sections by an Act passed in the year of the reign of her present Majesty, intituled "An Act to compel of the peace for counties and other persons to take the custody of documents as shall be directed to be deposited with them under the star orders of either House of Parliament."

CLI. If the company shall fail to keep or deposit, as herein-before tioned, any of the said copies of the special Act, they shall forfeit pounds for every such offence, and also five pounds for every day after during which such copy shall be not so kept or deposited.

CLII. AND be it enacted, that this Act shall not extend to Scotland.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM of Conveyance.

Ι , in consideration of t paid to me [or, as the case may be, into the Bank of E of [or Bank of Ireland], in the name and with the privity of the account general of the Court of Chancery, ex parte "the promoters of the undert [naming them], or to A.B., of , and C.D. of two trustees appointed to receive the same], pursuant to the [here na special Act], by the [here name the company or other promoters of the taking], incorporated [or constituted] by the said Act, do hereby con the said company [or other description], their successors and assignment [describing the premises to be conveyed], together with all ways, right appurtenances thereto belonging, and all such estate, right, title, and i in and to the same as I am or shall become seised or possessed of, or am said Act empowered to convey, to hold the premises to the said compa other description], their successors and assigns, for ever, according to the intent and meaning of the said Act. In witness whereof I have he set my hand and seal, the day of in the year Lord

SCHEDULE (B.)

FORM of Conveyance on Chief Rent.

, in consideration of the rent-charge to be paid to me, my heirs and assigns, as herein-after mentioned, by "the " promoters of the undertaking" [naming them], incorporated [or constituted] by virtue of the [here name the special Act], do hereby convey to the said company [or other description], their successors and assigns, all [describing the premises to be conveyed], together with all ways, rights, and appurtenances thereunto belonging, and all my estate, right, title, and interest in and to the same and every part thereof, to hold the said premises to the said company [or other description], their successors and assigns, for ever, according to the true intent and meaning of the said Act, they the said company [or other description], their successors and assigns, yielding and paying unto me, my heirs and assigns, one clear yearly rent of , by equal quarterly [or half-yearly, as agreed upon,] portions, henceforth, on the [stating the days], clear of all taxes and deductions. In witness whereof I hereunto set my hand and seal, the in the year of our day of Lord

SCHEDULE (C.)

FORM of Conviction.

to wit.

BE it remembered, that on the day of in the vear of our Lord A.B. is convicted before us C., D., two of her Majesty's justices of the peace for the county of the offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under our hands and seals, the day and year first above written.

C., D.

CHAPTER XIX.

An ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in Scotland. [8th May 1845.]

HEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament relative to the acquisition of lands in Scotland required for undertakings or works of a public nature, and the compensation to be made for the same, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: Be it therefore enacted by the This Act to Queen's most excellent Majesty, by and with the advice and consent of the undertakings lords spiritual and temporal, and commons, in this present Parliament in Scotland assembled, and by the authority of the same, that this Act shall apply to Acts to be here every undertaking in Scotland authorized by any Act of Parliament which after passed.

shall hereafter be passed, and which shall authorize the taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby. so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Interpretations in this Act :

And with respect to the construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows:

" Special Act:

"Prescribed

II. THE expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, and which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word "pre-"scribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed " for that purpose in the special Act" had been used; and the expression " the works" or "the undertaking" shall mean the works or undertaking, of whatever nature, which shall by the special Act be authorized to be executed; and the expression "the promoters of the undertaking" shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

"The works:"

" Promoters of the undertaking."

Interpretations in this and the special Act.

Number:

and words importing the plural number only shall include the singular Words importing the masculine gender only shall include females:

Gender: "Lands:"

The word "lands" shall extend to houses, lands, tenements, and heritages, of any description or tenure:

III. And be it enacted, that the following words and expressions both in

Words importing the singular number only shall include the plural number;

this and the special Act shall have the several meanings hereby assigned to

them, unless there be something either in the subject or context repugnant to

"Lease:"

The word "lease" shall include a missive of lease:

" Month:"

The word "month" shall mean calendar month:

such construction; (that is to say,)

" Lord ordinary:"

The "lord ordinary" shall mean the lord ordinary of the Court of Session in Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be:

" Oath:"

The word "oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

" County:"

The word "county" shall include any ward or other like division of a county:

" Sheriff:"

The word "sheriff" shall include the sheriff substitute:

" Justices:"

The word "justices" shall mean justices of the peace acting for the county, city, liberty, or place where the matter requiring the cognizance of any

such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one county, city, liberty, or place, the same shall mean a justice acting for the county, city, liberty, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall authorized or required to be done by two justices, the expression " two justices" shall be understood to mean two or more justices assembled and acting together.

"Two justices:"

Where under the provisions of this or the special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation, or trustees or others, who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking:

" Owner:"

The expression "the Bank" shall mean any one of the incorporated or "The Bank" chartered banks in Scotland.

IV. AND be it enacted, that in citing this Act in other Acts of Parliament Short title and in legal instruments it shall be sufficient to use the expression "The Lands of the Act. " Clauses Consolidation (Scotland) Act, 1845."

V. AND whereas it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act: Be it therefore enacted, that for the purpose of making any such Form in which incorporation it shall be sufficient in any such Act to enact that the clauses of this Act may this Act with respect to the matter so proposed to be incorporated, (describing be incorporated such matter as it is described in this Act in the words introductory to the with other enactment with respect to such matter,) shall be incorporated with such Act; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

And with respect to the purchase of lands by agreement, be it enacted as follows:

Purchase of lands by agreement.

VI. Subject to the provisions of this and the special Act, it shall be lawful for the promoters of the undertaking to agree with the owners of any lands by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any right or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase of any such lands, or such parts thereof as they shall think proper, and for the purchase of all rights and interests in such lands of what kind soever.

Power to ourchase lands by agreement.

VII. IT shall be lawful for all parties, being possessed of any lands, or any Parties under such right Or interest therein, to contract for, sell, convey, and dispose of such enabled to sell lands, or of such right therein, to the promoters of the undertaking, and to and convey. enter into all necessary agreements for these purposes; and particularly it shall be lawful for the parties following so to do; (that is to say,) all corporations, heirs of entail, life-renters, or persons holding any other partial or qualified

Purchase of lands by agreement.

estate or interest, married women seised in their own right or entitled to terce or dower, or any other right or interest, husbands, tutors, curators, and other guardians for infants, minors, lunatics or idiots, fatuous or furious persons, or for persons under any other disability or incapacity, judicial factors, trustees or feoffees in trust for charitable or other purposes, executors, and administrators; and the power so to contract for, sell, convey, and dispose of as aforesaid may lawfully be exercised by all such parties, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion or expectancy after them. and as to such married women as if they were sole, and as to such tutors, curators, guardians, judicial factors, and trustees, on behalf of those for whom they respectively act, whether infants, minors, issue unborn, bankrupts, lunatics, idiots, fatuous and furious persons, married women, or other incapacitated persons, and that to the same extent as such infants, minors, bankrupts, lunatics, idiots, fatuous and furious persons, married women, and other incapacitated persons respectively could have exercised the same power under the authority of this and the special Act if they had respectively been under no disability.

Parties under disability may exercise other powers. VIII. THE power herein-after given to discharge any lands from feu duties or casualties of superiority, as well as every other power required to be exercised by any superior pursuant to the provisions of this or the special Act, or any Act incorporated therewith, and the power to discharge lands from any rent, payment, charge, feu duties, ground annuals, or other real burdens or incumbrances, and to agree for the apportionment of any such rent, payment, charge, feu duties, ground annuals, or other real burdens and incumbrances, shall extend to and may lawfully be exercised by every party herein-before enabled to contract for, sell, dispose of, or convey lands or rights or interests therein to the company.

Amount of compensation, in case of parties under disability, to be ascertained by valuation, and paid into the Bank.

IX. THE purchase money or compensation to be paid for any lands, or any rights or interests therein, to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands, or rights or interests therein, except under the provisions of this or the special Act, and the compensation to be paid for any permanent damage or injury to any such lands, shall not, except where the same shall have been determined by the sheriff, or by the verdict of a jury, or by arbitration, or by the valuation of a valuator appointed by the sheriff under the provision herein-after contained, be less than shall be determined by the valuation of two able practical valuators, one of whom shall be nominated by the promoters of the undertaking, and the other by the other party, and if such two valuators cannot agree in the valuation, then by such third valuator as the sheriff shall, upon application of either party, after notice to the other party, for that purpose nominate; and each of such two valuators, if they agree, or if not, then the valuator nominated by the said sheriff, shall annex to the valuation a declaration in writing, subscribed by them or him, of the correctness thereof; and all such purchase money or compensation shall be deposited in the Bank. for the benefit of the parties interested, in manner herein-after mentioned.

Where vendor absolutely entitled, lands may be sold on feu duties, &c. X. It shall be lawful for all parties entitled to dispose of absolutely any lands authorized to be purchased for the purposes of the special Act to convey such lands or any part thereof unto the promoters of the undertaking in

consideration of an annual feu duty or ground annual payable by the promoters

of the undertaking.

THE feu duties or ground annuals stipulated by any such conveyance shall be charged on the tolls or rates, if any, payable under the special Act, and shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the promoters of the undertaking as such feu duties or ground annuals become payable; and if at any time the same be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such feu duties or ground annuals shall be payable may either recover the same from the promoters of the undertaking, with expences of suit, by action in any competent court, or it shall be lawful for him to levy the same by pointing and sale of the goods and effects of the promoters of the undertaking.

XII. In case the promoters of the undertaking shall be empowered by the Power to special Act to purchase lands for extraordinary purposes, it shall be lawful for purchase lands all parties who, under the provisions herein-before contained, would be enabled additional acto sell, feu, and convey lands, to sell, feu, and convey the lands so authorized

to be purchased for extraordinary purposes.

XIII. IT shall be lawful for the promoters of the undertaking to sell the Authority to lands which they shall have so acquired for extraordinary purposes, or any part purchase such thereof, in such manner, and for such considerations, and to such persons, as the promoters of the undertaking may think fit, and again to purchase other lands for the like purposes, and afterwards sell the same, and so from time to time: but the total quantity of land to be held at any one time by the promoters of the undertaking for the purposes aforesaid shall not exceed the prescribed quantity.

XIV. THE promoters of the undertaking shall not, by virtue of the power Restraint on to purchase land for extraordinary purposes, purchase or acquire more than purchase from incapacitated the prescribed quantity from any party under legal disability, or who would persons. not be able to sell or convey such lands except under the powers of this and the special Act; and if the promoters of the undertaking purchase or acquire the said quantity of land from any party under such legal disability, and afterwards sell or dispose of the whole or any part of the land so purchased, it shall not be lawful for any party being under legal disability to sell or convey to the promoters of the undertaking any other lands in lieu of the land so sold or disposed of by them.

XV. WHERE the undertaking is intended to be carried into effect by means Capital to be of a capital to be subscribed by the promoters of the undertaking, the whole before comof the capital of the company or estimated sum for defraying the expences of pulsory powers the undertaking shall be subscribed under contract binding the parties thereto, put in force. their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in

relation to the compulsory taking of land for the purposes of the undertaking. XVI. A certificate under the hands of the sheriff, certifying that the A certificate of the sheriff whole of the prescribed sum has been subscribed, shall be sufficient evidence be evidence that the conthereof; and on the application of the promoters of the undertaking, and the that the capital production of such evidence as such sheriff thinks proper and sufficient, such subscribed. sheriff shall grant such certificate accordingly.

Purchase of lands by agreement.

Payment of feu duties, &c. to be charged on

commodation.

Purchase of lands otherwise than by agreement.

Notice of intention to take lands.

And with respect to the purchase and taking of lands otherwise than by agreement, be it enacted as follows:

XVII WHEN the promoters of the undertaking shall require to purchase

XVII. WHEN the promoters of the undertaking shall require to purchase any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this or the special Act to sell and convey the same, or their rights and interests therein, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

Service of notices on owners and occupiers of lands, XVIII. All notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties, or left at their last usual place of abode, if any such can after diligent inquiry be found; and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, such notices, when the same are to be given to an owner of lands, shall be served on the factor or agent, if any, of such owner, and shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

If parties fail to treat, or in case of dispute, question to be settled as after mentioned. XIX. If for twenty-one days after the service of such notice any such party shall fail to state the particulars of his claim in respect of any such land, or to treat with the promoters of the undertaking in respect thereof, or if such party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this or the special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner herein-after provided for settling cases of disputed compensation.

Disputes as to compensation may be referred to arbitration. XX. If no agreement be come to between the promoters of the undertaking and the owners of or parties by this or the special Act enabled to sell and convey any lands taken or required for or injuriously affected by the execution of the undertaking, or any interest in such lands, as to the value of such lands or of any interest therein, or as to the compensation to be made in respect thereof, it shall be lawful for the parties to refer the same to arbitration.

Claims not exceeding 50% to be settled by the sheriff. Method of proceeding for settling disputes as to compensation by sheriff.

XXI. If the compensation claimed and disputed shall not exceed fifty pounds, unless both parties agree to refer such compensation to arbitration, the same shall be settled by the sheriff.

XXII. It shall be lawful for the sheriff, upon the application of either party with respect to any such question of disputed compensation, to issue an order for the other party to appear before such sheriff, at a time and place to be named in the order; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the order, it shall be lawful for

such sheriff to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, upon oath, without Written pleadings or reducing the evidence to writing; and the expences of every such inquiry, excepting the remunerative expences of the sheriff, shall be in the discretion of such sheriff, and he shall settle the amount thereof; and the determination of the sheriff upon such question shall be final and conclusive, and not subject to review or appeal in any form or court whatever.

XXIII. If the compensation claimed or offered in any case shall exceed fifty pounds, and if the party claiming such compensation desire to have the same by arbitration, and signify such desire to the promoters of the undersettled before they have presented their petition to the sheriff to summon a aking. respect of such lands, under the provisions herein-after contained, by a ury in notice in writing, stating in such notice the nature of the interest in such lands n respect of which he claims compensation, and the amount of the compenation so claimed, and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written greement for that purpose, then, within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein-after provided.

XXIV. WHEN any question of disputed compensation by this or the special Appointment Act, or any Act incorporated therewith, authorized or required to be settled by of arbiters when ones arbitration shall have arisen, then, unless both parties shall concur in the are to be deappointment of a single arbiter, each party, on the request of the other party, arbitration. shall nominate and appoint an arbiter, to whom such dispute shall be referred; and every appointment of an arbiter shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a company or corporation under the hand of the proper officer or person authorized by such company or corporation; and such appointment shall be delivered to the arbiters, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbiter, such other party fail to appoint an arbiter, then upon such failure the party making the request, and having himself appointed an arbiter, may appoint such arbiter to act on behalf of both parties, and such arbiter may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbiter shall be final.

XXV. IF before the matters so referred shall be determined any arbiter Vacancy of appointed by either party die, or become incapable, the party by whom such supplied. arbiter was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the Other party for that purpose he fail to do so, the remaining or other vor. 1x.

Purchase of lands otherwise than by agreement.

Where compensation claimed exceeds 50%, it may be settled by arbitration if claimant so desire.

Purchase of lands otherwise than by agreement,

Appointment of oversman.

arbiter may proceed ex parte; and every arbiter so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbiter at the time of such his death or disability as aforesaid.

XXVI. Where more than one arbiter shall have been appointed such arbiters shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an oversman to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this or the special Act; and if such oversman shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another oversman in his place; and the decision of every such oversman on the matters on which the arbiters shall differ shall be final.

Lord ordinary empowered to appoint an oversman on neglect of the arbiters. XXVII. If in either of the cases aforesaid the said arbiters shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an oversman, it shall be lawful for the lord ordinary, on the application of either party to such arbitration, to appoint an oversman the decision of such oversman on the matters on which the arbit differ, or which shall be referred to him under this or the special be final.

In case of death of single arbiter, the matter to begin de novo. XXVIII. If when a single arbiter shall have been appointed such shall die or become incapable to act before he shall have made his aw matters referred to him shall be determined by arbitration, under visions of this or the special Act, in the same manner as if such arnot been appointed.

If either arbiter refuse to act, the other to proceed ex parte.

XXIX. If when more than one arbiter shall have been appointed the arbiters refuse or for seven days neglect to act the other arb proceed ex parte, and the decision of such arbiter shall be as effectus had been the single arbiter appointed by both parties.

If arbiters fail to make their award within 21 days or extended time, the matter to go to the umpire. XXX. If where more than one arbiter shall have been appointed, and neither of them shall refuse or neglect to act as aforesaid, such arbiters shall fail to make their award within twenty-one days after the day on which the last of such arbiters shall have been appointed, or within such extended time as shall have been appointed for that purpose by both such arbiters under this Act, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Power of arbiters to call for books, &c. XXXI. The said arbiters or their oversman may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose, and take all evidence competent according to the law of Scotland.

Costs of arbitration how to be borne.

XXXII. ALL the expences of any such arbitration, and incident thereto, to be settled by the arbiters or oversman, as the case may be, shall be borne by the promoters of the undertaking, unless the arbiters or oversman shall award the same sum as or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own expences incident to the arbitration; and in all cases the expences of the arbitrar or oversman, as the case may be, and of recording the decreet arbitral or award in the books of the council and session, shall be borne by the promoters of the undertaking.

XXXIII. THE arbiters shall make their decreet arbitral or award in writing, and shall cause the same to be recorded in the books of council and session, or shall deliver the same to the promoters of the undertaking, to be by them so recorded, and the said promoters shall, on demand, at their own expence, furnish an extract thereof from the said books to the other party to the arbitration; and extracts of decreets arbitral or awards shall bear faith in all courts and cases the same as the original writings, unless the originals be improven.

XXX IV. No award made with respect to any question referred to arbitraion under the provisions of this or the special Act shall be set aside for

regularity or error in matter of form.

XXX V. If the party claiming compensation shall not, as herein-before rovided, signify his desire to have the question of such compensation settled to arbitration, y arbitration, or if, when the matter shall have been referred to arbitration ne arbiters or their umpire shall for three months have failed to make their or limited time is award, the question of such compensation shall be settled by the verdict of to be settled

jury, as herein-after provided.

XXXVI. But if any party entitled to any compensation in respect of any Party claiming ch lands or interest therein, exceeding fifty pounds as aforesaid, shall desire may require a have the amount of such compensation determined by a jury, it shall in jury to be ike manner be lawful for him to give notice in writing to the promoters of he undertaking of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed by him; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose, then, within twenty-one days after the receipt of any such notice from any party so entitled, they shall, unless the question shall previously have been agreed to be settled by arbitration, present their petition to the sheriff to summon a jury for settling the same in the manner herein-after provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation so claimed, and the same may be recovered by him, with costs, by action in any competent court.

XXXVII. BEFORE the promoters of the undertaking shall present their Promoters of petition for summoning a jury for settling any case of disputed compensation taking to give they shall give not less than ten days notice to the other party of their notice before intention to cause such jury to be summoned; and in such notice the pro- a jury. moters of the undertaking shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party, and for the damage to be sustained by him by the execution of the

XXXVIII. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury the promoters summoning jury to be addressed to of the undertaking shall present their petition to the sheriff to summon a jury for that purpose; and such petition shall, if the promoters be a company or corporation, be signed by the secretary or proper officer or person authorized by such company or corporation, and if they be not a company or corporation such petition shall be signed by the promoters, or any two of them, if more than one.

Purchase of lands otherwise than by agreement.

Award to be recorded in books of council and session, or delivered to the promoters.

Award not to be set aside for error in form.

If matter is not referred by a jury.

Purchase of lands otherwise than by agreement.

Jurymen to be summoned. Notice of inquiry.

Jury to be impannelled.

Sheriff to preside.

View by jury.

Penalty on jurors for default.

Witnesses to be summoned.

Penalty on witnesses making default.

If the party claiming make default the inquiry not to proceed, but compensation to be determined by valuation.

Jury to be sworn.

XXXIX. Upon the receipt of such petition as aforesaid the sheriff shall summon a jury of twenty-five indifferent persons, duly qualified to act as common jurymen for the trial of civil causes in the Court of Session, to meet at a time and place to be named by the sheriff in the warrant for that purpose.

XL. Not less than ten days notice of the time and place of the inquiry shall be given in writing by the promoters of the undertaking to the other party, or to his known agent.

XLI. Our of the jurors appearing upon such summons a jury of thirteen persons shall be drawn by ballot; and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges for cause against any of the jurymen; and each party may have three peremptory challenges.

XLII. THE sheriff shall preside on the said inquiry; and the party claiming compensation shall be deemed the pursuer, and the proceedings at such trials shall be conducted in like manner as in criminal trials; and, if either party so request, the sheriff shall order the jury, or any seven or more of them, to view the place or matter in controversy.

XLIII. If any person summoned and returned upon any jury under this or the special Act, whether common or special, do not appear, or if appearing he refuse to make oath, or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the sheriff, forfeit a sum not exceeding ten pounds; and every such penalty shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend; and, in addition to the penalty hereby imposed, every such juryman shall be subject to the same regulations, pains, and penalties as if such jury had been returned for the trial of a civil cause in the Court of Session.

XLIV. If either party so request in writing, the sheriff shall summon before him any person considered necessary to be examined as a witness touching the matters in question.

XLV. If any person duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expences shall have been made, fail to appear at the time and place specified in the summons, without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness refuse to be examined on oath touching the subject matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding ten pounds, and, in addition to the penalty hereby imposed, shall be subject to the same regulations, pains, and penalties as if such witness, having been duly summoned, had failed to appear, or having appeared had refused to be examined, in any other cause.

XLVI. If the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by a valuator appointed by the sheriff in manner herein-after provided.

XLVII. BEFORE the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage; and the sheriff shall administer such oaths, as well as the oaths of all persons called upon to give evidence.

XLVIII. WHERE such inquiry shall relate to the value of lands to be Purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict, by a majority of their number, separately for the sum of money to be paid for the purchase of the lands required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained such party is entitled to sell or convey, and for the sum of money to be paid by way of compensation for he damage, if any, to be sustained by the owner of the lands by reason of evering of the lands taken from the other lands of such owner, or otherwise juriously affecting such lands by the exercise of the powers of this or the pecial Act, or any Act incorporated therewith: Provided always, that if the arties agree to dispense with such separation the verdict may be returned r one sum.

Purchase of lands otherwise than by agreement.

Sums to be paid for pur-chase of lands, and for damage, to be assessed

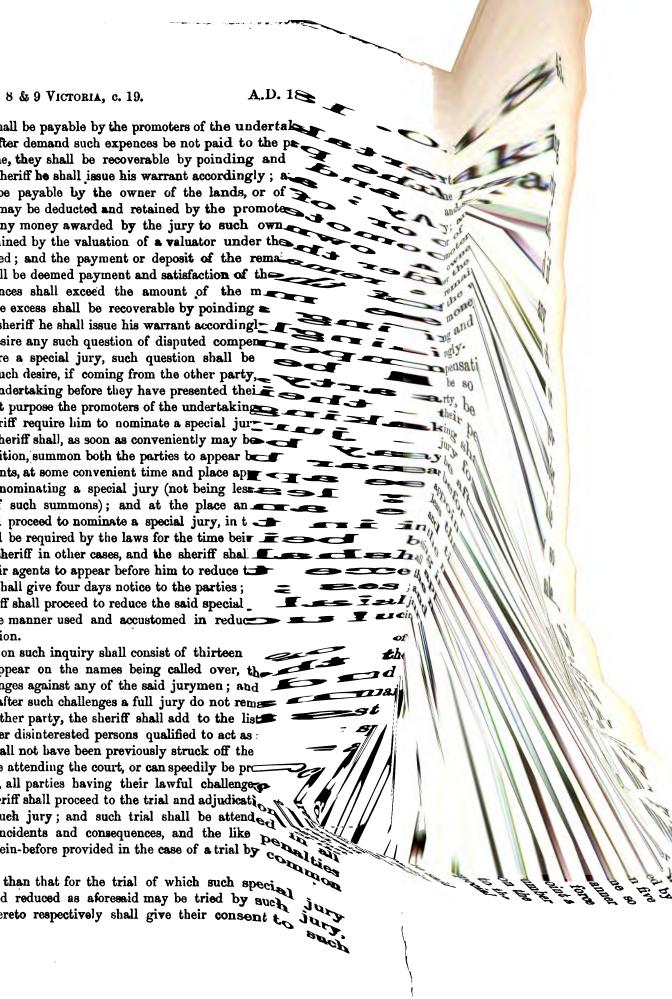
XLIX. THE sheriff before whom such inquiry shall be held shall give Verdict and dgment for the purchase money or compensation assessed by such jury; and be recorded. reverdict and judgment shall be signed by the sheriff, and being so signed hall be kept by the clerk of the sheriff court among the records of that ourt; and such verdicts and judgments shall be deemed records, and the ame or official copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may nave copies thereof or extracts therefrom, on paying for each inspection thereof one shilling, and for every one hundred words copied or extracted therefrom

sixpence.

L. On every such inquiry before a jury all the expences of such inquiry Expences of shall be borne by the promoters of the undertaking, unless the verdict of the the inquiry jury be given for the same or a less sum than the sum previously offered by borne. the promoters of the undertaking, or unless the owner of or party interested in the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, in either of which cases one half of the expences of the promoters of the undertaking shall be defrayed

by the owner of or party interested in the lands.

LI. THE expences of any such inquiry shall, in case of difference, be settled Particulars of by the sheriff on the application of either party; and such expences shall include all reasonable charges and expences incurred in summoning, impannelling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and agents, recording the verdict and judgment thereon, and otherwise incident to such inquiry, including the remuneration to the sheriff for his time and labour, and his reasonable travelling expences, which remuneration for time and labour, exclusive of travelling expences, shall be five guineas and no more for any inquiry as aforesaid, whether with or without a jury, unless such inquiry shall occupy more than one day or period of eight hours, in which case there shall be paid to the sheriff a sum of five guineas for each day or period of eight hours the inquiry may occupy, including the time necessarily occupied in travelling to and from the place of trial: Provided always, that the time occupied in travelling shall not in reference to any inquiry be computed at more than two days; and in all cases of inquiry as aforesaid before the sheriff, with or without a jury, the remuneration or expences of the sheriff shall be borne by the promoters of the undertaking.



LVI. THE purchase money or compensation to be paid for any lands to be Purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who Cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury, after due notice thereof, and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of such valuator as the sheriff shall nominate for that purpose, as herein-after mentioned.

Purchase of lands otherwise than by agreement.

Compensation to absent parties to be determined by a valuator appointed by the sheriff. Sheriff to nominate a valuator.

LVII. Upon application by the promoters of the undertaking to the sheriff, and upon such proof as shall be satisfactory to him that any such party is, by reason of absence from the kingdom, prevented from treating, or cannot after diligent inquiry be found, or that any such party failed to appear on such inquiry before a jury as aforesaid, after due notice to him for that purpose, such sheriff shall, by writing under his hand, nominate a valuator for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing, subscribed by him, of the correctness thereof.

LVIII. BEFORE such valuator shall enter upon the duty of making such be made by valuation as aforesaid he shall, in the presence of such sheriff, make and the valuator. subscribe the oath following at the foot of such nomination; (that is to say,)

A.B. do solemnly swear, that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me. So help me GOD.

· Sworn and subscribed in the presence of

And if any valuator shall corruptly make such oath, or having made such oath shall wilfully act contrary thereto, he shall be guilty of and incur the

pains of perjury. LIX. THE said nomination and declaration shall be annexed to the valuation Valuation, to be made by such valuator, and shall be preserved together therewith by ecc. to be produced to the promoters of the undertaking, and they shall at all times produce the said the owner the promoters of the undertaking, and they shall at all office produce the said of the lands valuation and other documents, on demand, to the owner of the lands com- on demand. prised in such valuation, and to all other parties interested therein.

LX. ALL the expences of and incident to every such valuation shall be Expence to borne by the promoters of the undertaking.

be borne by the promoters.

LXI. In estimating the purchase money or compensation to be paid by the Purchase promoters of the undertaking, in any of the cases aforesaid, regard shall be money and had not only to the value of the land to be purchased or taken by the pro- how to be moters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any other Act incorporated therewith.

LXII. On estimating the purchase money or compensation to be paid by Compensation the promoters of the undertaking in any of the cases aforesaid, the sheriff, tioned among arbiters, valuator, or jury, as the case may be, shall apportion the said different compensation among the parties who may be interested in the said lands as parties. joint owners or lessees, or as holding some security or burden or claim thereon or interest therein, and who shall have been parties to the said trial or arbitration or valuation: Provided always, that nothing herein contained

Purchase of lands otherwise than by agreement.

Where compensation to absent party has been determined by a valuator, the party may have the same submitted to arbitration. shall prevent any person having a separate interest from having the same separately tried.

LXIII. When the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a valuator, and deposited in the Bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands or such interest therein as aforesaid could not be found or was absent from the kingdom, and if such owner or party shall be dissatisfied with such valuation, it shall be lawful for him, before he shall have applied to the Court of Session for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted to and settled by arbitration in the manner herein-before provided for settling disputes by arbitration.

Question to be submitted to the arbiters. LXIV. THE question to be submitted to the arbiters in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

If further sum awarded, promoters to pay or deposit same within 14 days. LXV. If the arbiters shall decide that a further sum ought to be paid or deposited by the promoters of the undertaking, they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such decreet arbitral or award, or in default thereof the same may be enforced by diligence, or recovered, with expences, by action in any competent court.

Expences of the arbitration.

LXVI. If the arbiters shall determine that the sum so deposited was sufficient, the expences of and incident to such arbitration, to be determined by the arbiters, shall be in the discretion of the arbiters; but if the arbiters shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the expences of and incident to the arbitration shall be borne by the promoters of the undertaking.

Application of compensation.

And with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title, be it enacted as follows:

Purchase money or compensation payable to parties under disability, amounting to 200*l.*, to be deposited in the Bank.

LXVII. THE purchase money or compensation which shall be payable in respect of any lands, or any interest therein, purchased or taken by the promoters of the undertaking from any corporation, heir of entail, life-renter, married woman seised in her own right or entitled to terce or dower or any other right or interest, husband, tutors, curators, or other guardians for any infant, minor, lunatic, or idiot, fatuous or furious person, or for any person under any other disability or incapacity, judicial factor, trustee, executor, or administrator, or person having a partial or qualified interest only in such lands, and not entitled to sell or convey the same except under the provisions of this or the special Act, or the compensation to be paid for any permanent damage to any such lands, shall, if it amount to or exceed the sum of two hundred pounds, the same shall be paid into the Bank, to the intent that such monies shall be applied, under the authority of the Court of Session, to some one or more of the following purposes; (that is to say,)

Application of monies deposited.

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall

have been paid, or affecting other lands settled therewith on the same Application of heirs, or for the same trusts or purposes, or affecting succeeding heirs of entail in any such lands, whether imposed and constituted by the entailer, or in virtue of powers given by the entail, or in virtue of powers conferred by any Act of Parliament;

In the purchase of other lands to be conveyed, limited, and settled upon the same heirs, and the like trusts and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such monies shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, or in removing or replacing such buildings, or substituting others in their stead, in such manner as the said court shall direct; or

In payment to any party becoming absolutely entitled to such money.

LXVIII. Such money may be so applied as aforesaid upon an order of the Order for Court of Session, made on the petition of the party who would have been and investment entitled to the rents and profits of the lands in respect of which such money meanwhile. shall have been deposited; and until the money can be so applied it shall be retained in the Bank at interest, or shall be laid out and invested in the public funds or in heritable securities, and the interest, dividends, and annual proceeds thereof shall from time to time, under the like order, be paid to the party who would for the time being have been entitled to the rents and profits of the lands.

LXIX. IF such purchase money or compensation shall not amount to the Sums from sum of two hundred pounds, and shall exceed the sum of twenty pounds, the 201. to 2001. same shall either be paid into the Bank, and applied in the manner herein- posited, or paid before directed with respect to sums amounting to or exceeding two hundred pounds, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the parties so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, tutors, curators, judicial factors, or trustees; but such last-mentioned application of the monies shall not be made unless the promoters of the undertaking approve thereof, and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall; at the expense of the promoters of the undertaking, be by such trustees applied in the manner herein-before directed with respect to money paid into the Bank, but it shall not be necessary to obtain any order of court for that purpose.

LXX. IF such money shall not exceed the sum of twenty pounds, the same Sums not shall be paid to the parties entitled to the rents and profits of the lands in to be paid respect whereof the same shall be payable, for their own use and benefit; or to parties. in case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such parties, then such money shall be paid, for their use, to the respective husbands, guardians, tutors, curators, judicial factors, or trustees of such persons.

LXXI. ALL sums of money exceeding twenty pounds which may be All sums payable by the promoters of the undertaking in respect of the taking, using, payable undertaking in respect of the taking, using, contract with

Application of compensation.

persons not absolutely entitled to be paid into the Bank, or to trustees.

or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such land who shall not be entitled to dispose of such lands, or of the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest the interest contracted to be sold by him, absolutely for his own benefit, shall be paid the Bank or to trustees in manner aforesaid; and it shall not be law any contracting party not entitled as aforesaid to retain to his own u portion of the sums so agreed or contracted to be paid for or in respect taking, using, or interfering with any such lands, or for assenting to opposing the passing of the Bill authorizing the taking of such lands, or of bridges, tunnels, or other accommodation works, but all such monies s deemed to have been contracted to be paid for and on account of the parties interested in such lands, as well in possession as in success expectancy: Provided always, that it shall be in the discretion of the of Session, or the said trustees, as the case may be, to allot to any life-reperson holding for any other partial or qualified right or interest, for h use, a portion of the sum so paid into the Bank or to such trustees as af as compensation for any injury, inconvenience, or annoyance which he considered to sustain, independently of the actual value of the land taken, and of the damage occasioned to the lands held therewith, by rez the taking of such lands and the making of the works.

Court of Session may direct application of money in respect of leases or reversions as they may think just,

LXXII. Where any purchase money or compensation paid into the under the provisions of this or the special Act shall have been paid in of any lease for lives or years, or any right or interest in lands less the fee thereof, or of any reversion dependent on any such lease or reinterest, it shall be lawful for the Court of Session, on the petition of an interested in such money, to order that the same shall be laid out, it accumulated, and paid in such manner as the said court may consigive to the parties interested in such money the same benefit there they might lawfully have had from the lease, right, interest, or reverespect of which such money shall have been paid, or as near the may be

On the purchase of lands to be entailed, not necessary to insert the provisions verbatim.

LXXIII. Ir such money shall be laid out and invested in the pur lands to be held under entail, or under uses, trusts, intents, and pur shall not be necessary to ingress verbatim in the titles to such new la I provisions of the entail or other investiture of the said old lands, or to specifically the uses, trusts, intents, and purposes for and upon which new lands are to be held, but it shall be sufficient to state the executing and recording the deed or deeds containing the provision conditions subject to which, or the uses, trusts, intents, and purposes to and upon which, the said old lands were held, and to declare that the sai lands shall be held subject to the same provisions and conditions, and and upon the like uses, trusts, intents, and purposes, and to record the deed containing such general reference in the register of tailzies, sasir other proper record, according to the nature of such title deed, whice keepers of the said registers are hereby authorized and required to do w. a special order to that effect: Provided always, that upon the first occas completing titles to the said entailed estates the lands acquired to the may be introduced into the titles then completed, after which they descend regularly as part and portion of the entailed estates.

LXXIV. Upon deposit in the Bank in manner herein-before provided of the purchase money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act enabled to sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands, it shall be lawful for the promoters of the undertaking, if they think At, to expede an instrument under the hands of a notary public, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertenking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made; and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase money or compensation shall have been determined by the sheriff, by a jury, or by arbiters, or by a valuation appointed by the sheriff, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking; and as against such parties, and all parties on behalf of whom they are herein-before enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands; and such instrument, being registered in the register of sasines in manner herein-after provided in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

LXXV. If the owner of any such lands purchased or taken by the promoters Where parties of the undertaking, or of any interest therein, on tender of the purchase-money vey, or do or compensation either agreed or awarded to be paid in respect thereof refuse not show title, to accept the same, or neglect or fail to make out a title to such lands, or to found, the the interest therein claimed by him, to the satisfaction of the promoters of the purchase undertaking, or if he refuse or is unable validly to convey such lands as deposited. directed by the promoters of the undertaking, or to discharge or obtain a discharge of any burden or incumbrance thereon which was not specially excepted from discharge, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the undertaking to deposit the purchase money or compensation payable in respect of such lands, or any interest therein, in the Bank, to be placed, except in the cases herein otherwise provided for, to an account to be opened in the name of the parties interested in such lands, (describing them, so far as the promoters of the undertaking can do,) subject to the control and disposition of the Court of Session.

LXXVI. Upon any such deposit of money as last aforesaid being made the Upon deposit cashier or other proper officer of such Bank shall give to the promoters of the arcceipt to undertaking, or to the party paying in such money by their direction, a receipt

Application of compensation.

Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking, upon a notarial instrument being executed.

be given, and

Application of compensation.

vest in the promoters, upon a notarial instrument being executed.

for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in; and it shall be lawful for the promoters of the undertaking, if they think fit, to expede an instrument under the hands of a notary public, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase money or compensation shall have been deposited shall vest absolutely in the promoters of the undertaking, and as against such parties they shall be entitled to immediate possession of such lands; and such instrument, being registered in the register of sasines in manner herein-after directed in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

Application of monies so deposited.

LXXVII. Upon the application by petition of any party making claim to the money so deposited as last aforesaid, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court of Session may, in a summary way, as to such court shall seem fit, order such money to be laid out or invested in the public funds, or on heritable securities, or may order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim to such money or lands, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

Party in possession to be deemed to be the owner.

LXXVIII. If any question arise respecting the title to the lands in respect whereof such monies shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the court; and unless the contrary be shown as aforesaid the parties so in possession, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

Expences in cases of money deposited.

LXXIX. In all cases of monies deposited in the Bank under the provisions of this or the special Act, or any Act incorporated therewith, except where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to feu or convey the lands in respect whereof the same shall be payable, or by reason of his refusal or inability to discharge or obtain a discharge of any burden on such lands which was not specially excepted from discharge, or by reason of the failure or neglect of any party to make out a good title to the land required, it shall be lawful for the Court of Session to order the expences of the following matters, including therein all reasonable charges and expences incident thereto, to be paid by the promoters of the undertaking; (that is to say,) the expence of the purchase or taking of the lands, or which shall have been incurred in consequence thereof, other than such expences as are herein otherwise provided for, and the expence

Application of compensation.

of the investment of such monies in government or real securities, and of the re-investment thereof in the purchase of other lands, and of re-entailing any of such lands, and incident thereto, and also the expense of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and for the payment of the principal of such monies, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants: Provided always, that the expence of one application only for re-investment in land shall be allowed, unless it shall appear to the Court of Session that it is for the benefit of the parties interested in the said monies that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the court, if it think fit, to order the expences of any such investments to be paid by the promoters of the undertaking.

And with respect to the conveyances of lands, be it enacted as follows:

LXXX. FEUS and conveyances of lands so to be purchased as aforesaid may Form of conbe according to the form in the schedules (A.) and (B.) respectively to this Act veyances. annexed, or as near thereto as the circumstances of the case will admit; which feus and conveyances, being duly executed, and being registered in the particular register of sasines kept for the county, burgh, or district in which the lands are locally situated, or in the general register of sasines for Scotland kept at Edinburgh, within sixty days from the last date thereof, which the respective keepers of the said registers are hereby authorized and required to do, shall give and constitute a good and undoubted right and complete and valid feudal title in all time coming to the promoters of the undertaking, and their successors and assigns, to the premises therein described, any law or custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the promoters of the undertaking to record in any register of sasines any feus or conveyances in their favour which shall contain a procuratory of resignation or precept of sasine, or which may be completed by infeftment; and the title of the company under such last-mentioned feus or conveyances shall be regulated by the ordinary law of Scotland, until the said feus or conveyor the instruments of sasine thereon, shall have been recorded in a

register of sasines. LX XI. THE expences of all conveyances of lands shall be borne by the Expences of Promoters of the undertaking; and such expences shall include all charges and expences, incurred on the part as well of the seller as of the purchaser, of all convergences of any such lands, and of any interests therein, and of establishing the title to such lands, and all other reasonable expences incident to the investigation of such title.

LXXXII. If the promoters of the undertaking and the party entitled to any Taxation of such expences shall not agree as to the amount thereof, such amount shall be expences of conveyances ascertained and decerned for by the lord ordinary, on a summary petition presented to him by the party entitled to recover the same; and the promoters of the andertaking shall pay to the party entitled thereto what the said lord shall decree for or in respect of such expences, or in default thereof the same way as any other expences payable under or decree of the court, or the same may be recovered by

Conveyances.

the manner herein-before provided in other cases xpence of taxing such expences shall be borne by the rtaking, unless upon such taxation one sixth part of nees shall be discillented in nces shall be disallowed, in which case the expenses of or incident to the application or incident to the application to the lord ordinary, ount y whose expences shall be so taxed, and the am him tained by the said lord ordinary, and deducted by him gment or decerniture. the entry upon lands by the promoters of the ıs follows: moters of the undertaking shall not, except by upiers, enter upon any lands which shall be requ mently used for the purposes and under the po-, until they shall either have paid to every party lands, or deposited in the Bank in the manner se money or compensation agreed or awarded to tively for their respective interests therein: P urpose merely of surveying and taking levels or boring to ascertain the nature of the soil f the works, it shall be lawful for the promoter ring not less than three nor more than fourte or occupiers thereof, to enter upon such lands ing compensation for any damage thereby occa s thereof. D also, that if the promoters of the undertakt g upon and using any such lands before an agases to or an award made or verdict given for the n to be paid by them in respect of such land oters of the undertaking to deposit in the Bank 💵 🖛 fter mentioned, either the amount of purchase 🖝 by any party interested in or entitled to sell an all not consent to such entry, or such a sum as by the sheriff in the manner herein-before pr cannot be found, be determined to be the value t therein which such party is entitled to or em o, if required so to do, to give to such party a bor tary or proper officer or person authorized, if r corporation, or if they be not a company or co promoters, or any two of them, if more than s, to be approved of by the sheriff in case the l to the sum so to be deposited, for payment a deposit in the Bank for the benefit of t ls, as the case may require, under the provisi purchase money or compensation as may in be determined to be payable by the promotent of the lands so entered upon, together with five pounds per centum per annum from the th_{θ} until such purchase money or compensation deposited in the Bank for the benefit of the

interested in such lands, under the provisions herein contained; and upon such deposit by way of security being made as aforesaid, and such bond being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the promoters of the undertaking to enter upon and use such lands, without having first paid or deposited the purchase money or compensation in other cases required to be paid or deposited by them before entering upon any lands to be taken by them under the provisions of this or the special Act.

LXXXV. THE money so to be deposited as last aforesaid shall be paid into Deposit to be the Bank, to be placed to an account to be opened in the name of the parties and cashier interested in or entitled to sell and convey the lands so to be entered upon, to give a receipt. and who shall not have consented to such entry, subject to the control and disposition of the Court of Session; and upon such deposit being made the cashier or other proper officer of the Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

LXXXVI. THE money so deposited as last aforesaid shall remain in the Deposit to Bank, by way of security to the parties whose lands shall so have been entered security, and upon for the performance of the bond to be given by the promoters of the to be applied under the undertaking, as herein-before mentioned, and the same may, on the application direction of by petition of the promoters of the undertaking, be ordered to be invested in the court. the public funds or upon heritable securities, and accumulated; and upon the conditions of such bond being fully performed it shall be lawful for the Court of Session, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or if such conditions shall not be fully performed it shall be lawful for the said court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall so have been deposited.

LXXXVII. If the promoters of the undertaking or any of their contractors Penalty on shall, except as aforesaid, wilfully enter upon and take possession of any lands of the underwhich shall be required to be purchased or permanently used for the purposes taking entering upon lands of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or such payment of deposit by way of security as aforesaid, the promoters of the undertaking shall the purchase the party in possession of such lands the sum of ten pounds, over money. and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respecbe recovered before the sheriff; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands, with expences, by action in y competent court: Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of Penalties as aforesaid, if they shall bona fide and without collusion

Entry on lands.

paid into Bank

ensation agreed or awarded to be paid in respect of the erson whom the promoters of the undertaking may have to be entitled thereto, or shall have deposited the same in enefit of the parties interested in the lands, or made such security in respect thereof as herein-before mentioned, n may not have been legally entitled thereto.

the trial of any action for any such penalty as aforesaid sheriff under the provision herein-before contained shall sive as to the right of entry on any such lands by the

dertaking.

any case in which, according to the provisions of this or ny Act incorporated therewith, the promoters of the undered to enter upon and take possession of any lands required the undertaking, the owner or occupier of any such , refuse to give up the possession thereof, or him dertaking from entering upon or taking possession wful for the promoters of the undertaking to a iff for possession of the same, and upon such app orize and order possession of any such lands accorccruing by reason of such application, to be set sheriff, shall be paid by the person wrongfully retpossession; and the amount of such expences ned by the promoters of the undertaking from en payable by them to such party, or if no such o such party, or if the same be less than the such expences, or the excess thereof beyond d on demand, may be levied by poinding and sall warrant accordingly.

acted, that no party shall at any time be requir omoters of the undertaking a part only of any anufactory, if such party be willing and able ereof.

to small portions of intersected land, be it

s, not being situate in a town or built upon, sl ided by the works as to leave, either on both see ess quantity of land than half a statute acre, parcel of land require the promoters of the ur e along with the other land required for the promoters of the undertaking shall purchase ne owner thereof have other land adjoining to can be thrown; and if such owner have any omoters of the undertaking shall, if so require expence, throw the piece of land so left into such e fences and levelling the sites thereof, and by

h land shall be so cut through and divided as rks a piece of land of less extent that half a the expence of making a bridge, culvert, or

nd workmanlike manner.

by the committee among the several persons into

Bir respective interests, but the promoters of the

A.O. 1845. *1845. under the provisions of this or the special Act, or compellable to make, and if the owner of and and require the p therewith, compellable to make, and if the owner of adioining such piece of land, and require the p therewith, composite the lands adjoining such piece of land, and require to make such communication, then the promote require such owner to sell to them such piece of land, or as to what the promote of land, or as to what the promote of land, or as to what lands are the lands of lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands or as to what lands to make such communication, then the promote to make such communication, then the promote require such owner to sell to them such piece of the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of such piece of land, or as to what the value of land, or diepho m. expense a for reduce of eberia of the isputed compensation; and on the occasion of $e_{ith_{\mathbf{e_r}}}$ land required to be taken for the purposes o corred parts jury, or the arbiters, as the case may be, shall the communicati ascertain by their verdict or award the val of land, and also what would be the expence pie< And with it enacted a espect to such lands as shall be of the nature of sollows: KCIII. T Parties entited promoters of the undertaking may convene a Over such la ___d to any rights of property or servitude, or other the lands, for s, to be held at some convenient place in the n Promoters OF the purpose of their appointing a committee t tinction of the undertaking for the compensation to be I advertiseme ch rights; and every such meeting shall be c newspaper circ to be inserted once at least in two consecutive neighbourho ulating in the county or in the respective coun being not m in which such lands shall be situate, the last of meeting; and e than fourteen nor less than seven days pr Previous to LE notice of such meeting shall also, not less the parish where e holding thereof, be affixed upon the door of the church, some uch meeting is intended to be held, or, if the affixed; and ther place in the neighbourhood to which not $\mathbf{the} \; \mathbf{superior}$ such lands be part of a barony a like notice s XCIV. THE in number, of baron. meeting so called may appoint a committee, not the decision he parties entitled to any such rights; and at shall bind the the majority of the persons entitled to such effectual for inority and all absent parties; but such meeting same, if the purpose unless five at least of the parties entit e so many as five in all of the parties entitled t XCV. In be lawful for the committee so chosen to agreement ~ the promoters of the undertaking for the comp paid for the nction of such rights, and all matters relating t on behalf of mselves and all other parties interested therein parties shall bound by such agreement; and it shall be l committee to ceive the compensation so agreed to be paid, an ee, or of any three of them, for such compensat Affectual dis ge for the same; and such compensation, when

apportion

VOL IX

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Common lands.

shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or nonapplication thereof.

Disputes to be settled as in other cases. XCVI. Ir upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation, the said committee being deemed and held to be the proprietors of the said rights, with reference to all proceedings for ascertaining the value thereof.

If no committee be appointed, the amount to be determined by a valuator.

XCVII. If, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such rights shall take place, or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a valuator, to be appointed by the sheriff, as herein-before provided in the case of parties who cannot be found.

Upon paymen of compensation payable to commoners, the lands to vest. XCVIII. Upon payment or tender to such committee, or any three of them, or if there shall be no such committee then upon deposit in the Bank in the manner provided in the like case of the compensation which shall have been agreed upon or determined in respect of such rights, and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a disposition, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking freed and discharged from all such rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Session, by an order made upon petition, to order payment of the money so deposited as aforesaid, and to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

Lands in mortgage. And with respect to lands subject to any security by real lien, wadset, heritable bond, redeemable bond of annuity, or other right in security, be it enacted as follows:

Power to redeem heritable securities.

XCIX. It shall be lawful for the promoters of the undertaking to purchase or redeem the interest of any holder of any security upon such lands the whole or part of which may be required for the purposes of the special Act, and that whether such promoters shall have previously purchased the right to such lands under burden of the security thereon or not, and whether the holder of such security be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such security or not, and whether such security affect such lands solely, or jointly with any other lands not required for the purposes of the special Act; and in order thereto the promoters of the undertaking may pay or tender to the holder of such security the principal and interest due on such security, together with his expences and charges, if any, and also six months additional interest, and thereupon such holder shall immediately convey his interest in the lands comprised in such security to the promoters of the undertaking, or as they shall direct; or the promoters of the undertaking may give notice in writing to such holder that they will pay off the principal and interest due on such security at the end of six months, computed from the day of giving such notice; and if they shall have given any such notice, or if the party entitled to the lands under burden of such security shall have given six months notice of his intention to redeem the same, then at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the promoters of the undertaking to the holder of such security of the principal money thereon due, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his expences and charges, if any, such holder shall convey or discharge his interest in the lands comprised in such security to the promoters of the undertaking, or as they shall direct.

Lands in mortgage.

C. IF, in either of the cases aforesaid, upon such payment or tender any Deposit of holder of such securities shall fail to convey or discharge his interest therein money on as directed by the promoters of the undertaking, or if he fail to adduce a good accept retitle thereto, then it shall be lawful for the promoters of the undertaking to deposit in the Bank, in the manner provided by this Act in like cases, the principal and interest, together with the expences, if any, due on such security, and also, if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to expede an instrument under the hands of a notary public, duly stamped, and to register the same, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the holder of the security, if any such be made, all the estate and interest of such holder, and of all persons

in trust for him, or for whom he may be a trustee, in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such holder were himself entitled to such possession.

CI. IF any such lands subject to such security as aforesaid shall be of less sum to be value than the principal, interest, and expences secured thereon, the value of paid when such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall be settled by agreement between the holder of of lands. such security and the party claiming or entitled to the lands under burden on the one part, and the promoters of the undertaking on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or com-Pensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the holder of the security, in satisfaction of his claim, so far as the same will extend; and upon payment or tender thereof such holder shall, at the expence of the promoters of the undertaking, dispone and assign his debt, so far as paid, and his security, and all his interest in such lands, to the promoters of the undertaking. Or as they shall direct, and thereupon the party claiming or entitled to the said lands under burden of the security shall cease to be interested in or have any right thereto, or to any part thereof.

CII. IF upon such payment or tender as aforesaid being made any holder of Deposit of such security fail so to convey his interest therein, or to adduce a good title money when refused on thereto to the promoters of the undertaking, it shall be lawful for them to tender. deposit the amount of such value or compensation in the Bank, in the manner provided by this Act in like cases; and every such payment or deposit shall be accepted by the holder of the security in satisfaction of his claim, so far as the same will extend, and shall be a full discharge of the lands from all money due thereon; and it shall be lawful for the promoters of the undertaking to

expede an instrument under the hands of a notary public, duly stamped, and to register the same, in the manner kersin has to register the same, in the manner herein-before provided in the case of purchase of lands by them and the purchase of lands by them; and thereupon such lands, as to all such right and interest as were then vested in the holder of the interest as were then vested in the holder of the security, or any person in trust for him, or in the party claiming or articles security, or any trust for him, or in the party claiming or entitled to the lands under the security, shall become absolutely vertal in the lands under taking, and they shall be entitled to immediate possession thereof; all rights and remedies possessed by the ball the security, shall become absolutely vested in the promoters of the all rights and remedies possessed by the holder of such security for recovering payment of his debt, or the residue them. interest thereof respectively, and all expences, shall remain in force as against the grantor of such security and the same, but not as a claim on the said lands, or against the promote undertaking.

CIII. If a part only of any such lands subject to any security be required for the purposes of the special Act, and if the part so of less value than the principal money, interest, and costs seculands, and the holder of the security shall not consider the remas such lands a sufficient security for the money charged thereo willing to discharge the part so required, and if the promoters of taking be unwilling to advance the debt on an assignment theretovalue of such part, and also the compensation (if any) to be paid ir the severance thereof or otherwise, shall be settled by agreement be holder of the security and the party entitled to the land under bu security on the one part, and the promoters of the undertaking on and if the parties aforesaid fail to agree respecting the amount of or compensation, the same shall be determined as in other cases compensation; and the amount of such value or compensation, bein upon or determined, shall be paid by the promoters of the undertal holder of the security, in satisfaction of his debt, so far as the extend, and thereupon such holder shall convey or discharge to they shall direct, all his interest in such lands the value whereof been so paid, and the party claiming or entitled to the said lands ur of the security shall cease to be interested in or have any right t any part thereof; and a memorandum of what shall have been so be endorsed on the deed or instrument creating such security, a signed by the holder thereof; and a copy of such memorandum same time (if required) be furnished by the promoters of the und their expence, to the party entitled to the lands under burden of t

CIV. IF upon payment or tender to any holder of such secamount of the value or compensation so agreed upon or deterholder shall fail to convey or discharge to the promoters of the und as they shall direct, his interest in the lands in respect of which s sation shall so have been paid or tendered, or if he shall fail to actitle thereto, it shall be lawful for the promoters of the undertathe amount of such value or compensation into the Bank, in provided by this Act in the case of monies required to be deposit bank; and such payment or deposit shall be accepted by the hold security in satisfaction of his claim, so far as the same will extend. be a full discharge of the portion of the lands so required from all

Lands in mortgage.

thereon, and shall bar the claim of the party claiming or entitled to the said lands un der burden of the security; and it shall be lawful for the promoters of the undertaking, if they think fit, to expede an instrument under the hands of a notary public, duly stamped, and to register the same, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon such lands shall become absolutely vested in the promoters of the undertaking, as to all such right and interest as were then vested in the holder of such security, or any person in trust for him, and in case such holder were himself entitled to such possession they shall be entitled to immediate possession thereof; nevertheless every such holder shall have the same powers and remedies for recovering or compelling payment of his claim, or the residue thereof, (as the case may be,) and the interest thereof respectively, upon and out of the residue of the lands subject to such security, or the portion thereof not required for the purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such security.

CV. PROVIDED always, that in any of the cases herein-before provided with If sums respect to lands subject to securities, if in the deed or instrument creating the off before the same a time shall have been limited within which the holder of the security stipulated shall not be obliged to receive payment of the principal money thereby secured, moters to pay and under the provisions herein-before contained the holder of the security expences incidental to shall have been required to accept payment of his claim, or of part thereof, at re-investment a time earlier than the time so limited, the promoters of the undertaking shall pay to the holders of the security, in addition to the sum which shall have been so paid off, all such expences as shall be incurred by him in respect of or which shall be incidental to the re-investment of the sum so paid off, such expences, in case of difference, to be taxed, and payment thereof enforced, in the manner herein provided with respect to the expences of conveyances.

CVI. IF the rate of interest secured by such deed be higher than at the time Compensation of the same being so paid off can reasonably be expected to be obtained on loss of interest. re-investing the same, regard being had to the then current rate of interest, the holder of such security shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest herein-before provided for, compensation in respect of the loss to be sustained by him by reason of his claim being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such holder, to possession of the lands under the provision herein-before contained.

in respect of

And with respect to any lands which shall be charged with any feu duty, ground annual, casualty of superiority, or any rent or other annual or recurring paymen t Or incumbrance not herein-before provided for, be it enacted as follows =

Lands subject to rentcharges.

CVII. It shall be lawful for the promoters of the undertaking to enter upon Company to and continue in possession of such lands, without redeeming the charges thereon, Provided they pay the amount of such annual or recurring payment feu duties, &c. when due, and otherwise fulfil all obligations accordingly, and provided they be called upon by the party entitled to the charge to redeem the same.

AD. 1845

fit, t

Lands subject to rent-charges.

Consideration to be paid for discharge of lands from such charge.

Discharge of part of lands from charge.

Deposit in case of refusal to discharge.

Charge to continue on lands not taken.

CVIII. Ir any difference shall arise between the promoters of the under taking and the party entitled to any such charge upon any lands required t be taken for the purposes of the special Act, respecting the consideration to paid for the discharge of such lands therefrom, or from the portion there affecting the lands required for the purposes of the special Act, the same shows be determined as in other cases of disputed compensation.

CIX. IF part only of the lands charged with any such feu duty. annual, casualty of superiority, or any rent, payment, or incumbrances required to be taken for the purposes of the special Act, the apportion ment any such charge may be settled by agreement between the party entitled such charge and the owner of the lands on the one part, and the promoters the undertaking on the other part, and if such apportionment be not so settl by agreement the same shall be settled by the sheriff; but if the remaini part of the lands so jointly subject be a sufficient security for such charge shall then, with consent of the owner of the lands so jointly subject, it lawful for the party entitled to such charge to discharge therefrom the lane required, on condition or in consideration of such other lands remaining exclu sively subject to the whole thereof.

CX. Upon payment or tender of the compensation so agreed upon or dete mined to the party entitled to any such charge as aforesaid, such party sha execute to the promoters of the undertaking a discharge thereof; and if he fa so to do, or if he fail to adduce a good title to such charge, it shall be lawfe for them to deposit the amount of such compensation in the Bank, in the manner herein-before provided in like cases, and also, if they think expede an instrument under the hands of a notary public, duly stamped, and to register the same, in the manner herein-before provided in the purchase of lands by them, and thereupon the feu duty, grow casualty of superiority, rent, payment, or incumbrance, or the poin respect whereof such compensation shall so have been paid, shbe extinguished.

CXI. IF any such lands be so discharged from any such charbrance, or portion thereof, to which they were subject jointly with such last-mentioned lands shall alone be charged with the w charge, or with the remainder thereof, as the case may be, an entitled to the charge shall have all the same rights and remed last-mentioned lands, for the whole or for the remainder of the case may be, as he had previously over the whole of the lands su charge; and upon any such charge or portion of charge being = the promoters of the undertaking, if required so to do, shall exect in due form a probative deed or instrument, declaring what part originally subject to such charge shall have been purchased by special Act, and if the lands be discharged from part of such proportion of such charge shall have been discharged, and how continues payable, or if the lands so required shall have been dis the whole of such charge, then that the remaining lands are the remain exclusively charged therewith; and such deed or instrumade and executed at the expence of the promoters of the un shall be competent evidence in all courts and elsewhere of the stated.

And with respect to lands subject to leases, be it enacted as follows:

Lands subject to leases.

Where part only of lands under lease rent to be

CXII. If any lands shall be comprised in a lease or missive of lease for a term of years unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands comprised in such lease or missive of lease shall be apportioned between the lands so required and the residue of such lands; and such apportionment may be settled apportioned. by agreement between the lessor and lessee of such lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement between the parties such apportionment shall be settled by the sheriff; and after such apportionment the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease or missive of lease; and all the obligations, conditions, and agreements of such lease or missive of lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have been in case such part only of the land had been included in the lease or missive of lease.

CXIII. EVERY such lessee as last aforesaid shall be entitled to receive from Tenants to be the promoters of the undertaking compensation for the damage done to him in compensated. his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

CXIV. IF any such lands shall be in the possession of any person having no Compensation greater interest therein than as tenant for a year or from year to year, and if to be made to such person be required to give up possession of any lands so occupied by him a year, &c. before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any in-coming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by the severing of the lands held by him, or otherwise injuriously affecting the and the amount of such compensation shall be determined by the sheriff, the parties differ about the same; and upon payment or tender of the of such compensation all such persons shall respectively deliver up to the proters of the undertaking, or to the person appointed by them to take Possession thereof, any such lands in their possession required for the purposes of the special Act.

IF any party, having a greater interest than as tenant for a year or Where greater from year to year, claim compensation in respect of any unexpired term or interest claimed interest under any lease, missive of lease, or grant of any such lands, the profrom year to year the moters of the undertaking may require such party to produce the lease, missive lease or missive of lease, or grant in respect of which such claim shall be made, or other legal to be produced. thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease, missive of lease, or grant, or other legal evidence thereof, be not produced within twenty-one days, the party so

claiming compensation shall be considered as a tenant to year, and be entitled to compensation accordingly.

CXVI. AND be it enacted, that the powers of the passing for the compulsory purchase or taking of lands special Act shall not be exercised after the expiration and if no period be prescribed not after the expiration passing of the special Act.

And with respect to interest in lands which have be

to be purchased, be it enacted as follows:

CXVII. If at any time after the promoters of the entered upon any lands which under the provisions of or any Act incorporated therewith, they were authorized which shall be permanently required for the purposes party shall appear to be entitled to any estate, right affecting such lands which the promoters of the und mistake or inadvertency have failed or omitted duly compensation for, then, whether the period allowed for shall have expired or not, the promoters of the under the undisturbed possession of such lands, provided v notice of such estate, right, interest, or charge, in case disputed by the promoters of the undertaking, or in disputed then within six months after the right theret established by law in favour of the party claiming the the undertaking shall purchase or pay compensation also pay to such party, or to any other party who thereto, full compensation for the profits or interest wi to such parties respectively in respect thereof during entry of the promoters of the undertaking thereon ar ment of such purchase money or compensation by the taking, so far as such profits or interest may be recove purchase money or compensation shall be agreed on o like manner as according to the provisions of this A would have been agreed on or awarded and paid in ca undertaking had purchased such estate, right, interes entering upon such land, or as near thereto as circums

CXVIII. In estimating the compensation to be a mentioned lands, or any estate or interest in the thereof, the jury, or arbiters, or sheriff, as the case same according to what they shall find to have been estate, or interest, and profits, at the time such lan the promoters of the undertaking, and without regard works made in the said lands by the promoters of though the works had not been constructed.

CXIX. In addition to the said purchase money, of tion, and before the promoters of the undertaking entitled to any such estate, interest, or charge, or to lexinguished for their benefit, they shall, when the interest, or charge shall have been disputed by the in favour of the party claiming the same, pay the

Limit of time for compulsory purchase.

Interests omitted to be purchased.

Purchase by promoters of the undertaking, after entry on lands, of interests the purchase whereof may have been omitted by mistake.

Mesne profits to be accounted for.

How value of such interests and mesne profits shall be estimated.

Promoters of the undertaking to pay the expences of litigation as to such interests. ceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof shall have taken place; and such expences shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof, be it enacted as follows:

Sale of superfluous lands.

CXX. WITHIN the prescribed period, or if no period be prescribed within Lands not ten years after the expiration of the time limited by the special Act for the sold within 10 completion of the works, the promoters of the undertaking shall absolutely years after exsell and dispose of all such superfluous lands in such manner as they may limited for comdeem most advantageous, and apply the purchase money arising from such pletion of sales to the purposes of the special Act; and in default thereof all such default to vest superfluous lands remaining unsold at the expiration of such period shall in owners of thereupon vest in and become the property of the owners of the lands adjoin- lands. ing thereto, in proportion to the extent of their lands respectively adjoining the same.

piration of time works, or in

CXXI. Before the promoters of the undertaking dispose of any such Lands not in a superfluous lands they shall, unless such lands be situate within a town, or be upon, &c. to be lands built upon, or be used for building purposes, first offer to sell the same offered to to the person then entitled to the lands (if any) from which the same were from which originally severed; or if such person refuse to purchase the same, or cannot they were after diligent inquiry be found, then the like offer shall be made to the to adjoining person or to the several persons whose lands shall immediately adjoin the lands owners. so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

CXXII. If any such persons be desirous of purchasing such lands, then Right of Within six weeks after such offer of sale they shall signify their desire in that to be claimed behalf to the promoters of the undertaking; or if they decline such offer, or within six weeks from if for six weeks they neglect to signify their desire to purchase such lands, offer. the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in Evidence of Writing made before the sheriff by some person not interested in the matter refusal, &c. to exercise right. in question, stating that such offer was made, and was refused, or not accepted With III Six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or Fot after diligent inquiry be found, or were not capable of entering into Contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

CXXIII. If any person entitled to such pre-emption be desirous of pur- Differences chasing any such lands, and such person and the promoters of the undertaking as to price to be settled by do not agree as to the price thereof, then such price shall be ascertained by arbitration. arbit ration, and the expences of such arbitration shall be in the discretion of the arbiters.

Sale of superfluous lands.

Lands to be conveyed to the purchasers.

CXXIV. Upon payment or tender to the promoters of the the purchase money so agreed upon or determined as afo convey such lands to the purchasers thereof, by deed under of the promoters of the undertaking, if they be a corpora corporation under the hands of the promoters of the undertain of the directors or managers thereof acting by the authority a deed so executed shall be effectual to vest the lands compri purchaser of such lands for the estate which shall so have b him; and a receipt under such common seal, or under the h directors or managers of the undertaking, as aforesaid, sh discharge to the purchaser of any such lands for the purcha receipt expressed to be received.

Effect of word "dispone" in conveyances.

CXXV. AND be it enacted, that in every conveyance of by the promoters of the undertaking under this or the spe "dispone" shall operate as a clause of absolute warrandice of the undertaking, for themselves and their successors, their heirs, executors, administrators, and assigns, as the ca respective disponees therein named, and the successors, administrators, and assigns of such disponees, according nature of such conveyances, and of the estate or interest t be thereby conveyed, except so far as the same shall be re by express words contained in such conveyance.

Superiorities not to be affected.

CXXVI. And be it enacted, that the rights and titles manner herein mentioned in and to any lands taken and us of this Act shall, unless otherwise specially provided for, i diminish the right of superiority in the same, which shall r person granting such rights and titles; but in the event o or taken being a part or portion of other lands held by the the same titles, the said company shall not be liable for casualties to the superiors thereof, nor shall the said co enter with the said superiors: Provided always, that before session of any lands full compensation shall be made to th all loss which they may sustain by being deprived of any wise by reason of any procedure under this Act.

Until completion of works. make good any deficiency of land tax, poor's rate, &c. caused by lands being taken.

CXXVII. And be it enacted, that if the promoters promoters shall become possessed by virtue of this or the special Act, or a therewith, of any lands charged with the land tax, or lial the poor's rate or prison assessment, they shall from tin works shall be completed and assessed to such land tax prison assessment, be liable to make good the deficiency is ments for land tax and poor's rate and prison assessmen lands having been taken or used for the purposes of deficiency shall be computed according to the rental at w any building thereon, were valued or rated at the time of special Act; and on demand of such deficiency the pron taking, or their treasurer, shall pay all such deficiencies said assessments respectively; nevertheless, if at any ti the undertaking think fit to redeem such land tax,

accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

And with respect to the giving of notices, be it enacted as follows:

Notices.

CXXVIII. Any summons or notice, or any writ or other proceeding at law Service of or equity, required to be served upon the promoters of the undertaking, may notices upon the promoter be served by the same being left at or transmitted through the post, directed of the underto the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or being given personally, or transmitted through the post, directed to the secretary, or in case there be no secretary then by being given to the solicitor of the said promoters.

CXXIX. And be it enacted, that if any party shall have committed any Tender of irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such lastmentioned party shall not recover in any such action; and if no such tender Payment into shall have been made it shall be lawful for the defender, by leave of the court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

And with respect to the recovery of forfeitures, penalties, and expences, be it enacted as follows:

Recovery of penalties.

CXXX. EVERY penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the sheriff or two justices; and on complaint justices. being made to any sheriff or justice he shall issue an order, requiring the party complained against to appear before himself, if the order be issued by a sheriff, or before two or more justices, if the order be issued by a justice, at a time and place to be named in such order; and every such order shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any sheriff or two justices to proceed to the hearing of the complaint; and upon proof of the offence, either by the confession of the Part complained against, or upon the oath of one credible witness or more, it shall be lawful for such sheriff or justices to convict the offender, and upon Conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such expences attending the conviction as such sheriff or justices shall think fit.

Penalties to be summarily recovered before the sheriff or two

CX XI. If forthwith upon any such adjudication as aforesaid the amount Penalties to of the penalty or forfeiture, and of such expences as aforesaid, be not paid, the be levied by pointing amount of such penalty and expences may be levied by pointing and sale; and sale. and stach sheriff or justices shall issue his or their warrant of poinding and sale accordingly.

CX X XII. If any such sum shall be payable by the promoters of the Pointing, &c. under taking, and if sufficient goods of the said promoters cannot be found against the treasurer. whereon to levy the same, it may, if the amount thereof do not exceed twenty

Recovery of penalties.

Notice to treasurer.

Reimbursement of treasurer.

Poinding, &c. how to be levied.

Pointing not unlawful for want of form, &c.

Application of penalties.

Penalties to be sued for within six months.

Form of conviction.

Proceedings not to be quashed for want of form, &c.

Appeal.

Power of appeal from sheriff substitute to sheriff. pounds, be recovered by poinding and sale of the goods of the said promoters, and the sheriff, on application, shall issue his ingly; but no such poinding and sale shall be executed again such treasurer unless seven days previous notice in writ amount so due, and demanding payment thereof, have bee treasurer, or left at his residence; and if such treasurer pay such poinding and sale as aforesaid, he may retain the amoun and all expences occasioned thereby, out of any money promoters of the undertaking coming into his custody or consue the promoters of the undertaking for the same.

CXXXIII. Where in this or the special Act, or any therewith, any sum of money, whether in the nature of pen otherwise, is directed to be levied by poinding and sale, such shall be levied by poinding and sale of the goods and effects to pay the same; and the overplus arising from the sale of effects, after satisfying such sum of money, and the expense and sale, shall be returned, on demand, to the party whose been seized.

CXXXIV. No poinding and sale made by virtue of this or any Act incorporated therewith, shall be deemed unlawful, a making the same be deemed a trespasser or wrong-doer, defect or want of form in the summons, conviction, warrant ing relating thereto, but all persons aggrieved by such def may recover full satisfaction for the special damage in an sheriff court.

CXXXV. THE sheriff or justices by whom any such poshall be imposed, where the application thereof is not other may award not more than one half thereof to the information the remainder to the kirk session, or treasurer or collector poor, of the parish in which the offence shall have been benefit of the poor of such parish.

CXXXVI. No person shall be liable to the payment forfeiture imposed by virtue of this or the special Act, or at therewith, for any offence made cognizable before the sherithe complaint respecting such offence shall have been mad or some justice within six months next after the commission

CXXXVII. THE sheriff or justice or justices before wh be convicted of any offence against this or the special Act, rated therewith, may cause the conviction to be drawn form in the schedule (C.) to this Act annexed.

CXXXVIII. No proceeding in pursuance of this or the Act incorporated therewith, shall be quashed or vacated is shall the same be removed by suspension or otherwise court.

CXXXIX. In all cases which may come before any she this or the special Act, or any Act incorporated there we pleadings shall have been allowed, and a written record sup, and where the evidence which has been led by the pareduced to writing, but in no other case whatever, it sh

Appeal.

to appeal

to quarter sessions.

on giving

security.

from justices

any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties vivâ voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocation, or by reduction, on any ground whatever.

CXL. IF any party shall feel aggrieved by any determination or adjudica- Parties allowed tion of any justice or two or more justices with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

CXLI. At the quarter sessions for which such notice shall be given the Court to court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the they think hearing of such appeal the court may, if they think fit, mitigate any penalty reasonable. or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the expences, both of the adjudication and of the appeal, as they may think reasonable.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

Access to special Act.

CXLII. THE company shall at all times after the expiration of six months Copies of after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of and deposited, the and where the undertaking shall be a railway, canal, or other like be inspected. undertaking, the works of which shall not be confined to one county, shall also within the space of such six months deposit in the office of each of the sheriff clerks of the several counties into which the works shall extend a copy of Special Act, so printed as aforesaid; and the said sheriff clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and where extracts or copies therefrom, in the like manner and upon the like and under the like penalty for default as is provided in the case of plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel clerks of the peace for counties 7 Will. 4. & "and other persons to take the custody of such documents as shall be directed 1 Vict. c. 83. deposited with them under the standing orders of either House of " Parliament."

to be kept

Penalty on company failing to keep and deposit Act. CXLIII. If the company shall fail to keep or deposit, as I mentioned, any of the said copies of the special Act, they shall fe pounds for every such offence, and also five pounds for every daduring which such copy shall be not so kept or deposited.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM of Conveyance.

I , in considerati , of of paid to me for, as the case may be, into the Bank (or to A.B. of , and C.D. of trustees appointed to receive the same)], pursuant to an Act pa tuled, &c., by the [here name the company], incorporated by t hereby sell, alienate, dispone, convey, assign, and make over, fro and successors, to the said company, their successors and assi according to the true intent and meaning of the said Act, all premises to be conveyed], together with all rights and per belonging, and all such right, title, and interest in and to the my foresaids are or shall become possessed of, or are by the said to convey. [Here insert the conditions (if any) of the con registration clause for preservation and diligence, and a testing ing to the form of the law of Scotland.]

SCHEDULE (B.)

Form of Conveyance in consideration of Feu Duty or F

I , in consideration or rent to be paid to me, my heirs and assigns, as herein-aft the [here name the company], established and incorporated Act'passed, &c., intituled, &c., do hereby dispone, convey, and me, my heirs and successors, to the said company, their succes for ever, according to the true intent and meaning of the said ing the premises to be conveyed], together with all righ thereunto belonging, and all my right, title, and interest in and every part thereof, they the said company, their success yielding and paying unto me, my heirs and assignees, one duty or rent of , by equal half-yearly port the [stating the days. Here insert conditions of the conve insert a registration clause for preservation and diligence, an according to the form of the law of Scotland].

SCHEDULE (C.)

FORM of Conviction before

to wit.

BE it remembered, that on the day of year of our Lord A.B. is convicted before me C., the sheriff [or before us D., E., two of her Majesty's justices of the peace] for the county , [here describe the offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under my hand, [or under our hands,] the day and year first above written.

C.

D.

E.

CHAPTER XX.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways. [8th May 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of railways, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings, as for ensuring greater uniformity in the provisions themselves: And whereas a Bill is now pending in Parliament, intituled "An Act " for consolidating in one Act certain provisions usually inserted in Acts "authorizing the taking of lands for undertakings of a public nature," and which is intended to be called "The Lands Clauses Consolidation Act, 1845": May it therefore please your Majesty that it may be enacted, and be it enacted This Act to by the Queen's most excellent Majesty, by and with the advice and consent of apply to all the lords spiritual and temporal, and commons, in this present Parliament authorised by assembled, and by the authority of the same, that this Act shall apply to every railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Acts hereafter to be passed.

And with respect to the construction of this Act and of other Acts to be Interpretations incorporated therewith, be it enacted as follows:

II. THE expression "the special Act" used in this Act shall be construed to "Special mean any Act which shall be hereafter passed authorizing the construction of Act. a railway, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein "Prescribed:" stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall

"The lands:"

"The undertaking."

occur shall be construed as if instead of the word "prescribed" th "prescribed for that purpose in the special Act" had been us expression "the lands" shall mean the lands which shall by th be authorized to be taken or used for the purposes thereof; and t "the undertaking" shall mean the railway and works, of whateve by the special Act authorized to be executed.

Interpretations in this and the special Act: Number:

III. THE following words and expressions, both in this and th shall have the meanings hereby assigned to them, unless there in the subject or context repugnant to such construction; (that Words importing the singular number only shall include the pl and words importing the plural number only shall include al number:

Gender: " Lands:" Words importing the masculine gender only shall include fem The word "lands" shall include messuages, lands, tenements ments, of any tenure:

"Lease:"

The word "lease" shall include an agreement for a lease:

" Toll :"

The word "toll" shall include any rate or charge or other pa under the special Act for any passenger, animal, carriage, g dize, articles, matters, or things, conveyed on the railway:

" Goods:"

The word "goods" shall include things of every kind conv railway:

" Month:"

The word "month" shall mean calendar month:

" Superior courts:"

" Oath:"

The expression "superior courts" shall mean her Majesty's of record at Westminster or Dublin, as the case may requ The word "oath" shall include affirmation in the case of Q declaration lawfully substituted for an oath in the capersons exempted by law from the necessity of taking an The word "county" shall include any riding or other lil

county, and shall also include county of a city or county

"County:"

The word "sheriff" shall include under sheriff or other 1 deputy; and where any matter in relation to any lands done by any sheriff or clerk of the peace, the expression the expression "the clerk of the peace," shall in such to mean the sheriff or the clerk of the peace of the cour liberty, cinque port, or place where such lands shall be the lands in question, being the property of one and t situate not wholly in one county, city, borough, liberty place, the same expression shall be construed to mean of the peace of any county, city, borough, liberty, cinc where any part of such lands shall be situate:

" The sheriff:"

" The clerk of the peace:

"Justice:"

The word "justice" shall mean justice of the peace activ city, borough, liberty, cinque port, or place where the the cognizance of any such justice shall arise, and interested in the matter; and where such matter shall lands, being the property of one and the same party, in any one county, city, borough, liberty, cinque port, a justice acting for the county, city, borough, liber place where any part of such lands shall be situate, as interested in such matter; and where any matter

or required to be done by two justices, the expression "two justices" "Two jusbe understood to mean two justices assembled and acting shall together:

Where under the provisions of this or the special Act any notice shall be "Owner:" required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated there with, would be enabled to sell and convey lands to the company:

The expression "the company" shall mean the company or party which "The comshall be authorized by the special Act to construct the railway:

pany:"

The expression "the railway" shall mean the railway and works by the "The railspecial Act authorized to be constructed:

The expression "the Board of Trade" shall mean the lords of the com- "Board of mittee of her Majesty's privy council appointed for trade and foreign plantations:

The expression "the Bank" shall mean the Bank of England, where the "The Bank:" same shall relate to monies to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Ireland:

The expression "turnpike road" shall, when applied to any road in Ireland, "Turnpike include any road upon which her Majesty's mails are or shall be carried in road," Ireland: mail carriages, or such other roads as the commissioners of public works in Ireland shall consider to require arches of greater width or height than by this Act is required for public carriage roads:

The expression "surveyor," applied to a road or highway, shall, as to "Surveyor," railways in Ireland, include the county surveyor:

Ireland:

The expression "overseers of the poor," when applied to Ireland, shall "Overseers include the poor law guardians of the electoral division, and the clerk of the poor,"

the grandians of the union through which such milway and the clerk of Ireland. the guardians of the union, through which such railway may pass.

IV. And be it enacted, that in citing this Act in other Acts of Parliament Short title and in legal instruments it shall be sufficient to use the expression "The of the Act. Railways Clauses Consolidation Act, 1845."

V. AND whereas it may be convenient in some cases to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act: Be it therefore enacted, that for the purpose of making any such incorporation Form in it shall be sufficient in any such Act to enact that the clauses of this Act with which portions of this Act respect to the matter so proposed to be incorporated, (describing such matter as may be init is described in this Act in the words introductory to the enactment with in other respect to such matter,) shall be incorporated with such Act, and thereupon Acts. all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

Construction of railway.

The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation Act, And with respect to the construction of the railway and the therewith, be it enacted as follows:

VI. In exercising the power given to the company by th construct the railway, and to take lands for that purpose, t be subject to the provisions and restrictions contained in this said Lands Clauses Consolidation Act; and the company sh owners and occupiers of and all other parties interested in a used for the purposes of the railway, or injuriously affected by thereof, full compensation for the value of the lands so taken all damage sustained by such owners, occupiers, and other pa the exercise, as regards such lands, of the powers by this or any Act incorporated therewith, vested in the company; otherwise provided by this or the special Act, the amount of shall be ascertained and determined in the manner provided Clauses Consolidation Act for determining questions of c regard to lands purchased or taken under the provisions th provisions of the said last-mentioned Act shall be applicab the amount of any such compensation, and to enforcing the satisfaction thereof.

Errors and omissions in plans to be corrected.

VII. IF any omission, mis-statement, or erroneous description been made of any lands, or of the owners, lessees, or occu described on the plans or books of reference mentioned in in the schedule to the special Act, it shall be lawful for giving ten days notice to the owners of the lands affecte correction, to apply to two justices for the correction ther appear to such justices that such omission, mis-statement, tion arose from mistake, they shall certify the same accord in such certificate state the particulars of any such on respect any such matter shall have been mis-stated or er and such certificate shall be deposited with the clerks several counties in which the lands affected thereby shall also be deposited with the parish clerks of the several I and with the postmasters of the post towns in or nearest Ireland, in which the lands affected thereby shall be situated ficate shall be kept by such clerks of the peace, parish cl respectively along with the other documents to which thereupon such plan, book of reference, or schedule sl corrected according to such certificate; and it shall be la to make the works in accordance with such certificate.

Works not to be proceeded with until plans of all alterations of original plans, &c. authorized by Parliament have been deposited. VIII. It shall not be lawful for the company to proce the railway, unless they shall have previously to the cowork deposited with the clerks of the peace of the through which the railway is intended to pass a plan analterations from the original plan and section as shall by Parliament, on the same scale and containing the soriginal plan and section of the railway, and shall also be clerks of the several parishes in England, and the ptowns in or nearest to such parishes in Ireland, in or

alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

Construction of railway.

IX. THE said clerks of the peace, parish clerks, and postmasters shall Clerks of the receive the said plans and sections of alterations, and copies and extracts peace, &c. to thereof respectively, and shall retain the same, as well as the said original of alterations, plans and sections, and shall permit all persons interested to inspect any of the inspection. documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of the original plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act 7 Will. 4. & to compel clerks of the peace for counties and other persons to take the countries of such documents as shall be directed to be deposited with them " under the standing orders of either House of Parliament."

1 Vict. c. 83.

X. TRUE copies of the said plans and books of reference, or of any alteration Certified copies or correction thereof, or extract therefrom, certified by any such clerk of the peace, which certificate such clerk of the peace shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

of plans, &c. to be evidence.

XI. In making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the like consent of the trustees or commissioners having the control of such street or public highway, or, if there be no such trustees or commissioners, without the like consent of two or more justices of the peace in petty sessions assembled for that purpose, and acting for the district in which such street or public highway may be situated, or without the like consent of the commissioners for any public sewers, or the proprietors of any canal, navigation, gas works, or waterworks, affected by such deviation: Provided always, that it shall be lawful for Provise. the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, streets, or canals passing under the same: Provided also, that notice of Proviso. every petty sessions to be holden for the purpose of obtaining such consent of two justices as is herein-before required shall, fourteen days previous to the holding of such petty sessions, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

Limiting de-vistion from datum line described on sections, &c.

XII. BEFORE it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as making greater aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood

Public notice to be given

Construction of railway.

Power to the owners of adjoining lands to appeal to the Board of Trade against such devia-

where such deviation is intended to be made, three weeks commencing to make such deviation; and it shall be lawful any lands prejudicially affected thereby, at any time before the of the making of such deviation, to apply to the Board of The ten days notice to the company, to decide whether, having interests of such applicants, such proposed deviation is present it shall be lawful for the Board of Trade, if they think question accordingly, and by their certificate in writing eith making of such deviation, or to authorize the making thereof with any such modification as shall seem proper to the Board after any such certificate shall have been given by the Board not be lawful for the company to make such deviation, exwith such certificate.

Arches, tunnels, &c. to be made as marked on deposited plans.

ited

Limiting deviations from gradients, curves, &c.

XIII. WHERE in any place it is intended to carry the rai arches or other viaduct, as marked on the said plan or see be made accordingly; and where a tunnel is marked or section as intended to be made at any place, the same she ingly, unless the owners, lessees, and occupiers of the l tunnel is intended to be made shall consent that the sa made.

XIV. It shall not be lawful for the company to deviat gradients, curves, tunnels, or other engineering works d plan or section, except within the following limits, and conditions; (that is to say,)

Subject to the above provisions in regard to altering let for the company to diminish the inclination or gradically extent, and to increase the said inclination or (that is to say,) in gradients of an inclination not hundred, to any extent not exceeding ten feet per reservent which shall be certified by the Board of Twith the public safety, and not prejudicial to the progradients of or exceeding the inclination of one extent not exceeding three feet per mile, or to any shall be so certified by the Board of Trade as aforest the shall be lawful for the company to division the

It shall be lawful for the company to diminish the described in the said plan to any extent which shalless than half a mile, or to any further extendent certificate as aforesaid from the Board of Trade:

It shall be lawful for the company to make a tunn said plan or section, instead of a cutting, or a viac embankment, if authorized by such certificate as a of Trade.

Lateral deviations. XV. It shall be lawful for the company to deviate on the plans so deposited, provided that no such devigreater distance than the limits of deviation delines nor to a greater extent in passing through a town tinuously built upon than ten yards, or elsewhere to one hundred yards from the said line, and that the redeviation be not made to extend into the lands of any

lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said books of reference.

Construction of railway.

XVI. SUBJECT to the provisions and restrictions in this and the special Act, Works to be and any Act incorporated therewith, it shall be lawful for the company, for executed. the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,)

They may make or construct, in, upon, across, under, or over any lands, or Inclined any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper;

They may alter the course of any rivers not navigable, brooks, streams, or Alteration of watercourses, and of any branches of navigable rivers, such branches not rivers, &c. being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper:

They may make drains or conduits into, through, or under any lands Drains, &c. adjoining the railway, for the purpose of conveying water from or to the railway;

They may erect and construct such houses, warehouses, offices, and other Warehouses, buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as they think proper;

They may from time to time alter, repair, or discontinue the before- Alterations mentioned works or any of them, and substitute others in their stead; and

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway:

General power.

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in the special Act, and any Act incorporated there with, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

Proviso as to damages.

XVII. It shall not be lawful for the company to construct on the shore of mark not to the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, consent of the any work, or to construct any railway or bridge across any creek, bay, arm of commissioners of woods, &c. the sea, or navigable river, where and so far up the same as the tide flows and and of the reflows, without the previous consent of her Majesty, her heirs and successors, admiralty.

Works below without the

Construction of railway.

to be signified in writing under the hands of two of the comm Majesty's woods, forests, land revenues, works, and buildings, high admiral of the United Kingdom of Great Britain and commissioners for executing the office of lord high admiral a time being, to be signified in writing under the hand of the admiralty, and then only according to such plan and under and regulations as the said commissioners of her Majesty's land revenues, works, and buildings, and the said lord high said commissioners, may approve of, such approval being signif said; and where any such work, railway, or bridge shall structed it shall not be lawful for the company at any time t the same without obtaining, previously to making any su extension, the like consents or approvals; and if any such bridge shall be commenced or completed contrary to the p Act, it shall be lawful for the said commissioners of her forests, land revenues, works, and buildings, or the said lord the said commissioners for executing the office of lord high and remove the same, and to restore the site thereof to its at the cost and charge of the company; and the amoun recovered in the same manner as a penalty is recoverable aga

Alteration of water and gas pipes, &c.

XVIII. It shall be lawful for the company, for the purpose the railway, to raise, sink, or otherwise alter the position of courses, water pipes, or gas pipes belonging to any of the honear to the railway, and also the mains and other pipes company or society who may furnish the inhabitants of such with water or gas, and also to remove all other obstruction tion, so as the same respectively be done with as little det venience to such company, society, or inhabitants as the admit, and be done under the superintendence of the commuter pipes or gas pipes belong, and of the several commit or persons having control of the pavements, sewers, road lanes, and other public passages and places within the parisuch mains, pipes, or obstructions shall be situate, or of the or he think fit to attend, after receiving not less than forty for that purpose.

Company not to disturb pipes until they have laid down others. XIX. PROVIDED always, that it shall not be lawful remove or displace any of the mains or pipes, (other than p syphons, plugs, or other works belonging to any such cost to do anything to impede the passage of water or gas i mains or pipes, until good and sufficient mains or pipes all other works necessary or proper for continuing the su as sufficiently as the same was supplied by the mains or removed or displaced, shall, at the expence of the commade and laid down in lieu thereof, and be ready for use varying from that of the pipes or mains proposed to be as may be consistent with the construction of the railwation of the surveyor or engineer of such water or gas commade of disagreement between such surveyor or engineer a justice shall direct.

XX. IT shall not be lawful for the company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas company or society, or to cause any road to be lowered for the purposes of Pipes not to the railway, without leaving a covering of not less than eighteen inches from the surface of the road over such mains or pipes.

be laid contrary to any Act, and 18 inches surface

Construction of railway.

XXI. THE company shall make good all damage done to the property of the road to be water or gas company or society by the disturbance thereof, and shall make retained. full compensation to all parties for any loss or damage which they may sustain make good by reason of any interference with the mains, pipes, or works of such water or all damage. gas company or society, or with the private service pipes of any person supplied by them with water.

Company to

XXII. If it shall be necessary to construct the railway or any of the works When railway over any mains or pipes of any such water or gas company or society, the crosses pipes, company shall, at their own expence, construct and maintain a good and make a culvert. sufficient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

XXIII. If by any such operations as aforesaid the company shall interrupt Penalty for the supply of any water or gas, they shall forfeit twenty pounds for every day that such supply shall be so interrupted, and such penalty shall be appropriated or water. to the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the overseers of the poor of the parish shall direct.

XXIV. If any person wilfully obstruct any person acting under the Penalty for authority of the company in the lawful exercise of their power in setting out obstructing the line of the railway, or pull up or remove any poles or stakes driven into the of railway. ground for the purpose of so setting out the line of the railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding five pounds for every such offence.

And whereas there are large tracts of land in Ireland subject to flood and injury by water, and the rivers, streams, and watercourses are in many places obstructed by shoals, insufficient bridges, culverts, weirs, and other works, whereby the waters thereof are elevated above their natural level: And whereas an Act of Parliament was passed in the second year of the reign of his late Majesty King William the Fourth, intituled "An Act to empower 1 & 2 Will. 4. "landed proprietors in Ireland to sink, embank, and remove obstructions in "rivers": And whereas another Act was passed in the sixth year of the reign of her present Majesty, intituled "An Act to promote the drainage of 5 & 6 Vict. "lands, and improvement of navigation and water power in connexion with "such drainage, in Ireland"; and by the said last-mentioned Act public commissioners were appointed to carry the said last-recited Act into execution : And whereas it is essential, for carrying into effect the purposes of the said Acts, and for the improvement of agriculture, that ample provision be made in all railway works in Ireland for the free and uninterrupted passage of the waters at such level as will be sufficient not only for the present but all future discharge of the waters from lands crossed by or being on either side of such works, and that the bridges of railways crossing all watercourses, rivers, lakes, or estuaries which are or hereafter may be made navigable shall be so constructed as to admit of the commodious navigation of the same: Therefore, with respect to the provision to be made for the drainage of land in Ireland

Drainage of lands in Ireland.

Drainage of lands in Ireland.

The company from time to time to submit to the drainage commissioners in Ireland plans, &c. of the portion of the railway which they are about to execute.

which may be crossed by the railway, and for the protection of the connected therewith, be it enacted as follows:

XXV. If the special Act shall authorize the construction of Ireland, the company shall and they are hereby required, from before proceeding to construct any portion of the railway, to commissioners acting in execution of the said Act of the sixt present Majesty, or any Act amending the same, such plans, surveys as shall be necessary to enable the said commissioners to the number and adequacy of the waterways of all bridges, cur watercourses, and other works across the line of such portion the railway, for the free and uninterrupted discharge of the waterways as shall in the opinion of the said commissioners be sufficient to and prospective drainage and improvement of such lands, and rivers, lakes, estuaries, or watercourses, which are now or may being made navigable) upon the height and adequacy of all brid crossing the same, for the commodious navigation thereof.

Such commissioners to investigate and report on the works necessary for drainage.

XXVI. THE said commissioners shall and they are hereby rec any unnecessary delay, to investigate, by such means as to them the adequacy of all such works for such purposes as aforesaid, and certify, by a writing under their hands, or the hands of au the number, situation, and least possible dimensions as to brea height of the several openings of such bridges, culverts, works connected with such portion of the railway as aforesaid, necessary for the passage of water, or for navigation under or a way; and it shall not be lawful for the company to proceed wit of any of the works connected with any portion of the railway first obtained such a certificate as aforesaid respecting such railway, under the hands of the said commissioners or any t aforesaid; nor shall the company be at liberty to deviate from in respect to such works, nor to execute the same otherwi formity therewith, without the previous approbation in writ commissioners.

Summary
application
to the Court
of Chancery
to enforce the
execution of
such works.

XXVII. It shall be lawful for the said commissioners to a in a summary way to the Court of Chancery, complaining of the part of the company to submit such plans, sections, an said commissioners as aforesaid, or of the omission to conbridge, culvert, tunnel, or other works for the passage o manner as shall be so certified by the said commissioners; shall be lawful for the said court to direct such works to structed by the company, in such manner as shall be concertificate of the said commissioners, and to the said court shall or proper, and to make from time to time such further or of straining the company or any other persons from proceeding works connected with such portion of railway, except in concertificate of the said commissioners, and to issue any write the purpose aforesaid; and such court shall have power to paid by such company or persons.

XXVIII. NOTHING in this or the special Act shall extend or be construed to prejudice or affect the powers or authorities of the commissioners acting in execution of the said Act of the sixth year of her present Majesty, but all such powers shall be in full force as to the formation of any cut, river, or watercourse across the railway, but such powers shall not be exercised so as to prevent or obstruct the working or using of the railway.

Drainage of lands in Ireland.

Saving of the powers of the drainage commissioners.

XXIX. And whereas it is expedient to encourage the establishment of manufactories to be worked by water power in Ireland: Be it therefore The drainage enacted, that whenever it may be requisite for the formation of a watercourse for manufacturing purposes to construct an arch, culvert, tunnel, or watercourse beneath or an aqueduct above any railway in Ireland, and that differences shall have arisen between the directors of such railway and the to the execuperson interested in obtaining the water power, either as to the manner in which such works shall be executed, or the amount of compensation which should be paid, it shall be lawful to refer the questions in issue to the commissioners acting under the said recited Act of the fifth and sixth years of the across the reign of her Majesty Queen Victoria, and their decision thereon shall be final and conclusive; and if the said commissioners shall be of opinion that the proposed works can be executed without injury to the railway, and if they shall think proper so to do, they may undertake the execution of so much of the said works as shall be in connexion with such railway, at the expence of the parties for whose benefit the watercourse shall be made, with the same powers and authorities as are given by the said Act for the execution of any works for drainage.

commissioners in Ireland to have power to decide questions as tion of works, or to execute carrying watercourses railway.

And with respect to the temporary occupation of lands near the railway during the construction thereof, be it enacted as follows:

Temporary use of lands.

shall be lawful for the company, at any time before the expiration of the occupy temperiod by the special Act limited for the completion of the railway, to enter vate roads upon and use any existing private road, being a road gravelled or formed with within five hundred yards stones or other hard materials, and not being an avenue or a planted or orna- of the railway. mental road, or an approach to any mansion house, within the prescribed limits, if any, or, if no limits be prescribed, not being more than five hundred yards distant from the centre of the railway as delineated on the plans; but Notice to be before the company shall enter upon or use any such existing road they shall given; give three weeks notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road, and shall pay to the owners and occupiers of such road, and of the and compensalands through which the same shall pass, such compensation for the use and tion paid. occupation of such road, either in a gross sum of money or by half-yearly

XXX. SUBJECT to the provisions herein and in the special Act contained, it Company may

Clauses Consolidation Act. XXXI. It shall be lawful for the owners and occupiers of any such road, Power to and of the lands over which the same passes, within ten days after the service owners and occupiers of of the aforesaid notice, by notice in writing to the company to object to the road and land

instalments, as shall be agreed upon between such owners and occupiers respectively and the company, or in case they differ about the compensation the same shall be settled by two justices, in the same manner as any compensation not exceeding fifty pounds is directed to be settled by the said Lands

A.D. 1845

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er to take porary ession of without ious paycompany making use of such road, on the ground that other roads, some public road, would be more fitting to be used for the same; the objection being so made such proceedings may be had as are mentioned with respect to lands temporarily occupied by the correspect of which three weeks notice is herein-after required to be in the same manner as if in the provisions relative to such proceedings word road or roads, or the words road and the land over which passes, as the case may require, had been substituted in such provisions word lands.

XXXII. Subject to the provisions herein and in the special Act contained it shall be lawful for the company, at any time before the expiration period by the special Act limited for the completion of the railway making any previous payment, tender, or deposit, to enter upon within the prescribed limits, or, if no limits be prescribed, not being two hundred yards distant from the centre of the railway as delineat plans, and not being a garden, or chard, or plantation attached or be a house, nor a park, planted walk, avenue, or ground ornamentall and not being nearer to the mansion house of the owner of any standard to be in than five hundred yards therefrom, and to occupy the said lands may be necessary for the construction or repair of that portion of the or of the accommodation works connected therewith, herein-after and to use the same for any of the following purposes; (that is to see the same for any of the following purposes; (that is to see the same for any of the following purposes; (that is to see the same for any of the following purposes; (that is to see the same for any of the following purposes; (that is to see the same for any of the following purposes; (that is to see the same for any of the following purposes; (that is to see the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the same for any of the sa

For the purpose of taking earth or soil by side cuttings therefrom

For the purpose of depositing spoil thereon;

For the purpose of obtaining materials therefrom for the constrepair of the railway or such accommodation works as aforesai. For the purpose of forming roads thereon to or from or by the railway:

And in exercise of the powers aforesaid it shall be lawful for the codeposit and also to manufacture and work upon such lands materia kind used in constructing the railway, and also to dig and take fr any such lands any clay, stone, gravel, sand, or other things that matherein useful or proper for constructing the railway or any suc aforesaid, and for the purposes aforesaid to erect thereon worksh and other buildings of a temporary nature: Provided always, that this Act contained shall exempt the company from an action for nuis other injury, if any, done in the exercise of the powers herein-before the lands or habitations of any party other than the party whose lane be so taken or used for any of the purposes aforesaid: Provided also, stone or slate quarry, brick field, or other like place, which at the time passing of the special Act shall be commonly worked or used for materials therefrom for the purpose of selling or disposing of the same be taken or used by the company, either wholly or in part, for any purposes lastly herein-before mentioned.

XXXIII. In case any such lands shall be required for spoil bankside cuttings, or for obtaining materials for the construction or repairailway, the company shall before entering thereon (except in the

pany to notice ous to temporary

accident to the railway requiring immediate reparation) give three weeks Temporary usenotice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes; and in case the said lands are required for any of the other purposes herein-before mentioned the company shall (except in the cases aforesaid) give ten days like notice thereof; and the company shall in such notices respectively state the substance of the provisions herein-after contained respecting the right of such owner or occupier to require the company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

XXXIV. THE said notice shall either be served personally on such owners Service of and occupiers, or left at their last usual place of abode, if any such can after diligent inquiry be found; and in case any such owner shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

occupiers of

XXXV. In any case in which a notice of three weeks is herein-before required to be given it shall be lawful for the owner or occupier of the lands therein referred to, within ten days after the service of such notice, by notice in writing to the company, to object to the company making use of such lands. either on the ground that the lands proposed to be taken for the purposes aforesaid, or some part thereof, or of the materials contained therein, are essential to be retained by such owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as herein-after mentioned.

Power to owner to object that lands are essential to be retained, or other lands ought to be

XXXVI. If the objection so made be on the ground that the lands proposed Power to to be taken, or some part thereof, or of the materials contained therein, are essential to be retained by the owner in order to the beneficial enjoyment of the lands and other neighbouring lands belonging to him, it shall be lawful for any justice, on the application of such owner, to summon the company to appear before two justices at a time and place to be named in the summons, such time not being later than the expiration of the said twenty-one days notice; and on the appearance of the company, or in their absence, upon proof of due service of the summons, it shall be lawful for such justices to inquire into the truth of such ground of objection; and if it appear to such justices that for some special reason, to be stated in the order after mentioned, the lands so proposed to be taken, or any part thereof, or of the materials contained therein, are essential to be retained by the owner of such lands in order to the beneficial enjoymment of other neighbouring lands belonging to him, and ought not therefore to be taken or used by the company, it shall be lawful for such justices. by writing under their hands, to order that the lands so proposed to be taken, or some part thereof, or of the materials contained therein, to be specified in such order, shall not be taken or used by the company; and after service of such order on the company it shall not be lawful for them to take or use, without the previous consent in writing of the owner thereof, any of the lands or materials which by such order they are ordered not to take or use.

two justices to order that not be taken.

XXX VII. IF the objection so made as aforesaid be on the ground that other Power to lands lying contiguous to those proposed to be taken, and being sufficient in justices to order other

Temporary use of lands.

lands to be

quantity, and such as the company are herein-before authorized to use for the purposes aforesaid, would be more fitting to be used by the company, and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for any justice, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before two justices at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such justices to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

Power to the justices to summon other owners before them.

XXXVIII. If in the case last mentioned it shall appear to such justices, upon the inquiry before them, that the lands of any other party not summoned before them, being sufficient in quantity, and such as the company are hereinbefore authorized to take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said justices to adjourn such inquiry, and to summon such other person to appear before them at any time, not being more than fourteen days from such inquiry nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, on proof of due service of the summons, it shall be lawful for such justices to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

The company to give sureties, if required.

XXXIX. Before entering, under the provisions herein-before contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as herein-before mentioned, find two sufficient persons, to be approved of by a justice, in case the parties differ, who shall enter into a bond to such owner or occupier, in a penalty of such amount as shall be approved of by such justice, in case the parties differ, conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the lands before using them. XL. Before the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners of occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two magistrates shall deem necessary for the purposes aforesaid, on application being made to them in like manner as herein-before is provided in respect to the use of such roads.

XLI. THAT if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works Lands taken connected therewith, they shall work the same in such manner as the surveyor materials, &c. or agent of the owner of such land shall direct, or, in case of disagreement to be worked between such surveyor or agent and the company, in such manner as any of owner justice shall direct, on the application of either party, after notice of the may direct. hearing the application shall have been given to the other party.

XLII. In all cases in which the company shall in exercise of the powers Owners of aforesaid enter upon any lands for the purpose of making spoil banks or side lands may cuttings thereon, or for obtaining therefrom materials for the construction or pany to purrepair of the railway, it shall be lawful for the owners or occupiers of such chase lands lands, or parties having such estates or interests therein as, under the provi- occupied. sions in the said Lands Clauses Consolidation Act mentioned, would enable them to sell or convey lands to the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company requiring them to purchase the said lands, or the estates and interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

XLIII. In any of the cases aforesaid, where the company shall not be Compensation required to purchase such lands, and in all other cases where they shall take to be made for temporary temporary possession of lands by virtue of the powers herein or in the special occupation. Act granted, it shall be incumbent on the company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier, or to the owner of the lands, as the case may require, a rent, to be fixed by two justices in case the parties differ. and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the Bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

XLIV. THE amount and application of the purchase money and other commoney or pensation payable by the company in any of the cases aforesaid shall be compensation determined in the manner provided by the said Lands Clauses Consolidation to be ascertained and Act for determining the amount and application of the compensation to be applied under paid for lands taken under the provisions thereof.

Temporary use of lands.

Clauses Act.

Lands for additional stations,

Land to be taken for additional stations, &c. XLV. And be it enacted, that it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, not exceeding in the whole the prescribed number of acres, for extraordinary purposes; (that is to say,)

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences:

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

Crossing of roads, and construction of bridges.

Crossing of roads.

And with respect to the crossing of roads, or other interference therewith, be it enacted as follows:

XLVI. If the line of the railway cross any turnpike road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expence of the company: Provided always, that, with the consent of two or more justices in petty sessions, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.

Level crossings

Provision in cases where roads are crossed on a level.

XLVII. If the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway, where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of forty shillings for every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

XLVIII. WHERE the railway crosses any turnpike road on a level adjoining to a station, all trains on the railway shall be made to slacken their speed construction before arriving at such turnpike road, and shall not cross the same at any greater rate of speed than four miles an hour; and the company shall be sub- As to crossing ject to all such rules and regulations with regard to such crossings as may from of turnpike time to time be made by the Board of Trade.

Crossing of of bridges.

roads adjoining stations.

of bridges

XLIX. EVERY bridge to be erected for the purpose of carrying the Construction railway over any road shall (except where otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,)

The width of the arch shall be such as to leave thereunder a clear space of roads. not less than thirty-five feet if the arch be over a turnpike road, and of twenty-five feet if over a public carriage road, and of twelve feet if over a private road:

The clear height of the arch from the surface of the road shall not be less than sixteen feet for a space of twelve feet if the arch be over a turnpike road, and fifteen feet for a space of ten feet if over a public carriage road; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet:

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage road:

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike road, one foot in twenty feet if over a public carriage road, and one foot in sixteen feet if over a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

L. EVERY bridge erected for carrying any road over the railway shall Construction L. EVERY bridge erected for carrying —, (except as otherwise provided by the special Act) be built in conformity with carrying roads over railway.

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet:

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike road, and twenty-five feet if a public carriage road, and twelve feet if a private road:

The ascent shall not be more than one foot in thirty feet if the road be a turnpike road, one foot in twenty feet if a public carriage road, and one foot in sixteen feet if a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

LI. PROVIDED always, that in all cases where the average available width The width of for the passage of carriages of any existing roads within fifty yards of the need not expoints of crossing the same is less than the width herein-before prescribed for ceed the width bridges over or under the railway the width of such bridges need not be greater roads in certain than such average available width of such roads, but so nevertheless that such cases.

Crossing of roads, and construction of bridges.

Bridges to be widened in certain cases. bridges be not of less width, in the case of a turnpike road or public carriage road, than twenty feet: Provided also, that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound, at their own expence, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road, not exceeding the width of such road as so widened, or the maximum width herein or in the special Act prescribed for a bridge in the like case over or under the railway.

Existing inclinations of roads orossed or diverted need not be improved.

LII. Provided also, that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may require to be altered, or for which another road shall be substituted, shall be steeper than the inclination herein-before required to be preserved by the company, then the company may carry any such road over or under the railway, or may construct such altered or substituted road, at an inclination not steeper than the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered, or for which another road shall be substituted.

Before roads interfered with, others to be substituted. LIII. IF, in the exercise of the powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expence maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Penalty for not substituting a road.

LIV. If the company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid, they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof; and every such penalty shall be recoverable with costs by action in any of the superior courts.

Party suffering damage from interruption of road to recover in an action on the case. LV. If any party entitled to a right of way over any road so interfered with by the company shall suffer any special damage by reason that the company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the company, with costs, by action on the case in any of the superior courts, and that whether any party shall have sued for such penalty as aforesaid or not, and without prejudice to the right of any party to sue for the same.

Roads interfered with to be restored, or others permanently substituted, within a limited time. LVI. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot

be restored compatibly with the formation and use of the railway, the company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

Crossing of roads, and construction of bridges.

LVII. IF any such road be not so restored, or the substituted road so Penalty for completed as aforesaid, within the periods herein or in the special Act fixed for failing to that purpose, the company shall forfeit to the trustees, commissioners, surveyor, substitute road. or other person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, five pounds for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LVIII. If in the course of making the railway the company shall use or Company to interfere with any road, they shall from time to time make good all damage used by them. done by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them. such question shall be referred to the determination of two justices; and such justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period, as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty not exceeding five pounds per day as to such justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said justices shall have regard to and shall make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

LIX. WHEN the company shall intend to apply for the consent of two Proceedings justices, as herein-before provided, so as to authorize them to carry the railway on application to justices to across any highway other than a public carriage road on the level, they shall, consent to level fourteen days at least previous to the holding of the petty sessions at which crossings over highways other such application is intended to be made, cause notice of such intended than public application to be given in some newspaper circulating in the county, and also to be affixed upon the door of the parish church of the parish in which such crossing is intended to be made, or, if there be no such church, some other place to which notices are usually affixed; and if it appear to any two or more justices acting for the district in which such highway at the proposed crossing thereof is situate, and assembled in petty sessions, after such notice as

carriage roads.

Crossing of roads, and construction of bridges.

aforesaid, that the railway can, consistently with a due regard to the public safety and convenience, be carried across such highway on the level, it shall be lawful for such justices to consent that the same may be so carried accordingly.

Appeal against the determination of the justices.

LX. If either party shall feel aggrieved by the determination of such justices upon any such application as aforesaid, it shall be lawful for such party, in like manner and subject to the like conditions as are herein-after provided in the case of appeals in respect of penalties and forfeitures, to appeal to the quarter sessions of the county or place in which the cause of appeal shall have arisen; and it shall be lawful for the justices in such quarter sessions, upon the hearing of such appeal, either to confirm or quash the determination, or to make such other order in regard to the method of carrying the railway across such highway as aforesaid as to them shall seem fit, and to make such order concerning the costs both of the original application and of the appeal as to them shall seem reasonable.

Company to make sufficient approaches and fences to such highways crossing on the level. LXI. If the railway shall cross any highway other than a public carriageway on the level, the company shall at their own expence make and at all times maintain convenient ascents and descents and other convenient approaches, with handrails or other fences, and shall, if such highway be a bridleway, erect and at all times maintain good and sufficient gates, and if the same shall be a footway, good and sufficient gates or stiles, on each side of the railway, where the highway shall communicate therewith.

Justices to have power to order approaches and fences to be made to highways crossing on the level. LXII. If where the railway shall cross any highway on the level the company fail to make convenient ascents and descents or other convenient approaches, and such handrails, fence, gates, and stiles as they are hereinbefore required to make, it shall be lawful for two justices, on the application of the surveyor of roads, or of any two householders within the parish or district where such crossing shall be situate, after not less than ten days notice to the company, to order the company to make such ascent and descent or other approach, or such handrails, fences, gates, or stiles as aforesaid, within a period to be limited for that purpose by such justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such person as they think fit, in executing the work in respect whereof such penalty was incurred.

Screens for turnpike roads.

Screens for roads to be made, if required by the Board of Trade. LXIII. If the commissioners or trustees of any turnpike road, or the surveyor of any highway, apprehend danger to the passengers on such road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway, it shall be lawful for such commissioners, or trustees, or surveyor, after giving fourteen days notice to the company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said board that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road, it shall be lawful for them, if they shall think fit, to certify the works necessary or proper to be executed by the company for the purpose of obviating or lessening such danger, and by such certificate to require the company to execute such works within a certain time after the service of such certificate, to be appointed by the said board.

LXIV. WHERE by any such certificate as aforesaid the company shall have Penalty for been required to execute any such work in the nature of a screen, they shall construct execute and complete the same within the period appointed for that purpose screens. in such certificate; and if they fail so to do they shall forfeit to the said commissioners, or trustees, or surveyor, five pounds for every day during which such works shall remain uncompleted beyond the period so appointed for their completion; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LXV. WHERE, under the provisions of this or the special Act, or any Act incorporated therewith, the company are required to maintain or keep in repair any bridge, fence, approach, gate, or other work executed by them, it have power shall be lawful for two justices, on the application of the surveyor of roads, or to order of any two householders of the parish or district where such work may be repair of situate, complaining that any such work is out of repair, after not less than ten days notice to the company, to order the company to put such work into complete repair, within a period to be limited for that purpose by such justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such persons as they think fit, in putting such work into repair.

LXVI. And whereas expence might frequently be avoided, and public convenience promoted, by a reference to the Board of Trade upon the construction of public works of an engineering nature connected with the railway, where a strict compliance with the provisions of this or the special Act might be impossible, or attended with inconvenience to the company, and without adequate advantage to the public: Be it enacted, that in case any difference in Trade emregard to the construction, alteration, or restoration of any road or bridge, or powered to other public work of an engineering nature, required by the provisions of this construction of or the special Act, shall arise between the company and any trustees, commissioners, surveyors, or other persons having the control of or being authorized by law to enforce the construction of such road, bridge, or work, it shall be lawful for either party, after giving fourteen days notice in writing of their is impossible intention so to do to the other party, to apply to the Board of Trade to decide or inconupon the proper manner of constructing, altering, or restoring such road. bridge, or other work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by certificate in writing, any arrangement or mode of construction in regard to any such road, bridge, or other work which shall appear to them either to be in substantial compliance with the provisions of this and the special Act, or to be calculated to afford equal or greater accommodation to the public using such road, bridge, or other work; and after any such certificate shall have been given by the Board of Trade the road, bridge, or other work therein mentioned shall be constructed by the company in conformity with the terms of such certificate, and being so constructed shall be deemed to be constructed in conformity with the provisions of this and the special Act: Provided always, that no such certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private rights or interests will not be injuriously affected thereby. z z 2

Construction of bridges.

modify the certain roads, bridges, &c. where a strict compliance

Authentication of certificates of the Board of Trade, service of notices, &c. LXVII. And be it enacted, that all regulations, certificates, notices, and other documents in writing, purporting to be made or issued by or by the authority of the Board of Trade, and signed by some officer appointed for that purpose by the Board of Trade, shall, for the purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to, the office of the Board of Trade in London.

Works for protection and accommodation of lands.

And with respect to works for the accommodation of lands adjoining the railway, be it enacted as follows:

LXVIII. THE company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway; (that is to say,)

Gates, bridges, &c.: Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the sides of or leading to or from the railway, as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Fences:

Also sufficient posts, rails, hedges, ditches, mounds, or other fences, for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates, made to open towards such adjoining lands, and not towards the railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Drains.

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

Watering places.

Also proper watering places for cattle where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the accommodation working or using of the railway, nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

Works for protection and of lands.

LXIX. If any difference arise respecting the kind or number of any such Differences accommodation works, or the dimensions or sufficiency thereof, or respecting modation the maintaining thereof, the same shall be determined by two justices; and works to be such justices shall also appoint the time within which such works shall be justices. commenced and executed by the company.

LXX. If for fourteen days next after the time appointed by such justices Execution of for the commencement of any such works the company shall fail to commence owners on such works, or having commenced shall fail to proceed diligently to execute default by the the same in a sufficient manner, it shall be lawful for the party aggrieved by such failure himself to execute such works or repairs; and the reasonable expences thereof shall be repaid by the company to the party by whom the same shall so have been executed; and if there be any dispute about such expences the same shall be settled by two justices: Provided always, that no such owner or occupier or other person shall obstruct or injure the railway, or any of the works connected therewith, for a longer time, nor use them in any other manner, than is unavoidably necessary for the execution or repair of such accommodation works.

LXXI. IF any of the owners or occupiers of lands affected by such railway Power to shall consider the accommodation works made by the company, or directed by land to make such justices to be made by the company, insufficient for the commodious use additional of their respective lands, it shall be lawful for any such owner or occupier, at works at their any time, at his own expence, to make such further works for that purpose as own expence. he shall think necessary, and as shall be agreed to by the company, or, in case of difference, as shall be authorized by two justices.

LXXII. If the company so desire, all such last-mentioned accommodation Such works works shall be constructed under the superintendence of their engineer, and many, at comaccording to plans and specifications to be submitted to and approved by such be constructed engineer; nevertheless the company shall not be entitled to require either superintenthat plans should be adopted which would involve a greater expence than that dence of their incurred in the execution of similar works by the company, or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the company.

LXXIII. THE company shall not be compelled to make any further or addi- Accommodational accommodation works for the use of owners and occupiers of land not to be adjoining the railway after the expiration of the prescribed period, or, if no required after period be prescribed, after five years from the completion of the works, and period, &c. the opening of the railway for public use.

LXXIV. Until the company shall have made the bridges or other proper Owners to be allowed communications which they shall under the provisions herein or in the special to cross the Act, or any Act incorporated therewith, contained, have been required to make accommodabetween lands intersected by the railway, and no longer, the owners and tion works occupiers of such lands, and any other persons whose right of way shall be are made. affected by the want of such communication, and their respective servants, may at all times freely pass and repass, with carriages, horses, and other

animals, directly (but not otherwise) across the part of the railway made in or through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

Penalty on persons omitting to fasten gates.

LXXV. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding forty shillings.

Branch railways.

Power to parties to make private branch railways communicating with the railway. 5 & 6 Vict. c. 55.

LXXVI. AND be it enacted, that this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the better regulation of railways, and for the conveyance " of troops"; and the company shall, if required, at the expence of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,)

Restrictions and conditions.

No such branch railway shall run parallel to the railway:

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all bye laws and regulations of the company from time to time made with respect to passing upon or crossing the railway and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches, according to the most approved plan adopted by the company, and under the direction of their engineer.

Working of mines.

And with respect to mines lying under or near the railway, be it enacted as follows:

Company not to be entitled to minerals, unless expressly purchased. LXXVII. THE company shall not be entitled to any mines of coal, ironstone, slate, or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless the same shall have been expressly purchased;

and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

Working of mines.

LXXVIII. Ir the owner, lessee, or occupier of any mines or minerals lying Mines lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards to be worked therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do, thirty make com days before the commencement of working; and upon the receipt of such them. notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee, or occupier thereof, then he shall not work or get the same; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

railway not if the company are willing to ensation for

LXXIX. Ir before the expiration of such thirty days the company do not If company state their willingness to treat with such owner, lessee, or occupier for the to make compayment of such compensation, it shall be lawful for him to work the said pensation, mines or any part thereof for which the company shall not have agreed to pay owner more than work the compensation, so that the same be done in a manner proper and necessary for mines. the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate; and if any damage Damage or or obstruction be occasioned to the railway or works by improper working of obstruction to railway caused such mines, the same shall be forthwith repaired or removed, as the case may by improper require, and such damage made good, by the owner, lessee, or occupier of such made good. mines or minerals, and at his own expence; and if such repair or removal be not forthwith done, or, if the company shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the company to execute the same, and recover from such owner, lessee, or occupier the expence occasioned thereby, by action in any of the superior courts.

LXXX. If the working of any such mines under the railway or works, or Mining comwithin the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respec-lying on both tive owners, lessees, and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be described not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

between mines sides of railway.

LXXXI. THE company shall from time to time pay to the owner, lessee, or Company to occupier of any such mines extending so as to lie on both sides of the railway all such additional expences and losses as shall be incurred by such owner, injury done

A.D. 1845.

Working of mines.

lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expences, the same shall be settled by arbitration.

and also to owner, &c. of surface for damage caused by any airway or other work made necessary by the railway. LXXXII. If any loss or damage be sustained by the owner or occupier of the lands lying over any such mines the working whereof shall have been so prevented as aforesaid, (and not being the owner, lessee, or occupier of such mines,) by reason of the making of any such airway or other work as aforesaid, which or any like work would not have been necessary to be made but for the working of such mines having been so prevented as aforesaid, the company shall make full compensation to such owner or occupier of the surface lands for the loss or damage so sustained by him.

Power to company to enter and inspect the working of mines. LXXXIII. For better ascertaining whether any such mines are being worked or have been worked so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be.

Penalty for refusal to allow inspection. LXXXIV. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall for every such refusal forfeit to the company a sum not exceeding twenty pounds.

If mines improperly worked, the company may require means to be adopted for the safety of the railway. LXXXV. If it appear that any such mines have been worked contrary to the provisions of this or the special Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway, and preventing injury thereto; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works, and recover the expence thereof from such owner, lessee, or occupier, by action in any of the superior courts.

Passengers and goods on railway. And with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon, be it enacted as follows:

Company to employ locomotive power, carriages, &c. LXXXVI. It shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose, and to make such

reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special Act authorized to be taken by them.

Passengers and goods on railway.

LXXXVII. It shall be lawful for the company from time to time to enter into any contract with any other company, being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines, coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

Company empowered to contract with other companies.

LXXXVIII. Provided always, that no such contract as aforesaid shall in Contracts any manner alter, affect, increase, or diminish any of the tolls which the not to affect respective companies, parties to such contracts, shall for the time being be parties thereto. respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall, notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

LXXXIX. NOTHING in this or the special Act contained shall extend to Company not charge or make liable the company further or in any other case than where, to be liable according to the laws of the realm, stage coach proprietors and common carriers extent than would be liable, nor shall extend in any degree to deprive the company of any carriers. protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the company shall at all times be entitled to the benefit of every such protection and privilege.

XC. And whereas it is expedient that the company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties: It shall be lawful, therefore, for the company, Power to subject to the provisions and limitations herein and in the special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway, as they shall think fit; provided that all such tolls be at all Tolls to be times charged equally to all persons, and after the same rate, whether per ton under like per mile or otherwise, in respect of all passengers, and of all goods or carriages circumstances. of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of railway under the same circumstances; and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the railway.

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XCI. AND whereas authority has been given by various Acts of Parliament to railway companies to demand tolls for the conveyance of passengers and goods, and for other services, over the fraction of a mile, equal to the toll which they are authorized to demand for one mile: Therefore, in cases in which any railway shall be amalgamated with any other adjoining railway or railways, such tolls shall be calculated and imposed at such rates as if such amalgamated railways had originally formed one line of railway.

XCII. It shall not be lawful for the company at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by this and the special Act authorized to demand; and upon payment of the tolls from time to time demandable all companies and persons shall be entitled to use the railway, with engines and carriages properly constructed as by this and the special Act directed, subject nevertheless to the provisions and restrictions of the said Act of the sixth year of her present Majesty, intituled "An Act for the better regulation of railways, " and for the conveyance of troops," and to the regulations to be from time to time made by the company by virtue of the powers in that behalf hereby and by the special Act conferred upon them.

XCIII. A LIST of all the tolls authorized by the special Act to be taken, and which shall be exacted by the company, shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and by such board being exhibited in some conspicuous place on the stations or places where such tolls shall be made payable.

XCIV. THE company shall cause the length of the railway to be measured, and milestones, posts, or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

XCV. No tolls shall be demanded or taken by the company for the use of the railway during any time at which the boards herein-before directed to be exhibited shall not be so exhibited, or at which the milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or milestone, he shall forfeit a sum not exceeding five pounds for every such offence.

XCVI. THE tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner and under such regulations, as the company shall, by notice to be annexed to the list of tolls, appoint.

XCVII. IF, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expences of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

XCVIII. Every person being the owner or having the care of any carriage Passengers and or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage lading, &c. or goods may have travelled or be about to travel, an exact account in writing to be given. signed by him of the number or quantity of goods conveyed by any such carriage, and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

railway.

Account of

XCIX. If any such owner or other such person fail to give such account, or Penalty for to produce his way-bill or bill of lading, to such collector or other officer or not giving account of servant of the company demanding the same, or if he give a false account, or lading, &c. if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundred weight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundred weight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

C. Ir any dispute arise concerning the amount of the tolls due to the company, or concerning the charges occasioned by any detention or sale thereof disputes as under the provisions herein or in the special Act contained, the same shall be of tolls settled by a justice; and it shall be lawful for the company in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

Settlement of

CI. IF any difference arise between any toll collector or other officer or Difference servant of the company and any owner of or person having the charge of any as to weights, carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to any justice, on a summary application to him for that purpose, to have arisen from such detention.

CII. IF at any time it be made to appear to any justice, upon the complaint Toll collector of the company, that any such detention, measuring, or examining of any for wrongful carriage or goods, as herein-before mentioned, was without reasonable ground, detention of

Passengers and goods on railway.

or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage the same may be recovered by distress of the goods of such collector, and such justice shall issue his warrant accordingly.

Penalty on passengers practising frauds on the company. CIII. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point tolwhich he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding forty shillings.

Detention of offenders.

CIV. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace officers, may lawfully apprehend and detain such person until he can conveniently be taken before some justice, or until he be otherwise discharged by due course of law.

No person to carry or require company to carry dangerous goods on railway. Penalty for sending such goods by railway without giving notice to company. Company may refuse or open parcels.

CV. No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit to the company twenty pounds for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Delivery of offices, books, &c. in possession or custody of toll collector at removal, &c.

CVI. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then, upon application being made by the company to any justice, it shall be lawful for such justice to order any constable, with proper assistance, to enter upon such station or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the company, or any person appointed by them for that purpose.

CVII. And be it enacted, that the company shall every year cause an annual Annual account in abstract to be prepared, showing the total receipts and expenditure be made up, of all funds levied by virtue of this or the special Act for the year ending on and a copy the thirty-first day of December or some other convenient day in each year, to the clerk under the several distinct heads of receipt and expenditure, with a statement of the peace, of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the overseers of the poor of the several parishes through which the railway shall pass, and also to the clerks of the peace of the counties through which the railway shall pass, on or before the thirty-first day of January then next; which last-mentioned account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of one shilling for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such clerk of the peace or overseers of the poor, they shall forfeit for every such omission the sum of twenty pounds.

And with respect to the regulating of the use of the railway, be it enacted as follows:

Bye Laws.

CVIII. It shall be lawful for the company, from time to time, subject to Company to the provisions and restrictions in this and the special Act contained, to make use of the regulations for the following purposes; (that is to say,)

For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

For preventing the smoking of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises occupied by the company;

And generally for regulating the travelling upon or using and working of the railway:

But no such regulation shall authorize the closing of the railway, or prevent the passage of engines or carriages on the railway, at reasonable times, except at any time when in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the railway or any part thereof.

CIX. For better enforcing the observance of all or any of such regulations Power to it shall be lawful for the company, subject to the provisions of an Act passed tions by bye in the fourth year of the reign of her present Majesty, intituled "An Act for laws, subject to " regulating railways," to make bye laws, and from time to time to repeal or c. 97. alter such bye laws, and make others, provided that such bye laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and any person offending against any such bye law shall forfeit for every such offence any sum not exceeding five pounds, to be imposed

Bye Laws.

by the company in such bye laws as a penalty for any such offence; and if the infraction or non-observance of any such bye law or other such regulation as aforesaid be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye law.

Publication of such bye laws. CX. THE substance of such last-mentioned bye laws, when confirmed or allowed according to the provisions of any Act in force regulating the allowance or confirmation of the same, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject matter of such bye laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the bye laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such bye law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Such bye laws to be binding on all parties. CXI. Such bye laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye laws it shall be sufficient to prove that a printed paper or painted board, containing a copy of such bye laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

Leasing of railway.

And with respect to leasing the railway, be it enacted as follows:

Conditions to be contained in leases executed in exercise of power to lease railway. CXII. Where the company shall be authorized by the special Act to lease the railway or any part thereof to any company or person, the lease to be executed in pursuance of such authority shall contain all usual and proper covenants on the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature.

Powers vested in the company may be exercised by the lessees. CXIII. Such lease shall entitle the company or person to whom the same shall be granted to the free use of the railway or portion of railway comprised therein, and during the continuance of any such lease all the powers and privileges granted to and which might otherwise be exercised and enjoyed by the company, or the directors thereof, or their officers, agents, or servants, by virtue of this or the special Act, with regard to the possession, enjoyment, and management of the railway, or of the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee, and the officers and servants of such lessee, under the same regulations and restrictions as are by this or the special Act imposed on the company and their directors, officers, and servants; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations by this or the special Act imposed on the company.

And with respect to the engines and carriages to be brought on the railway, be it enacted as follows:

Carriages and engines.

CXIV. EVERY locomotive steam engine to be used on the railway shall, if it Engines to use coal or other similar fuel emitting smoke, be constructed on the principle smoke. of consuming and so as to consume its own smoke; and if any engine be not so constructed the company or party using such engine shall forfeit five pounds for every day during which such engine shall be used on the railway.

CXV. No locomotive or other engine, or other description of moving power, Engines to shall at any time be brought upon or used on the railway unless the same by the comhave first been approved of by the company; and within fourteen days after pany, and notice given to the company by any party desirous of bringing any such of approval engine on the railway the company shall cause their engineer or other agent given. to examine such engine, at any place within three miles distance from the railway, to be appointed by the owner thereof, and to report thereon to the company; and within seven days after such report, if such engine be proper to be used on the railway, the company shall give a certificate to the party requiring the same of their approval of such engine; and if at any time the Unfit engines engineer or other agent of the company report that any engine used upon the to be removed. railway is out of repair, or unfit to be used upon the railway, the company may require the same to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine; and if any difference of opinion arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, such difference shall be settled by arbitration.

CXVI. If any person, whether the owner or other person having the care Penalty thereof, bring or use upon the railway any locomotive or other engine, or any on persons using improper moving power, without having first obtained such certificate of approval as engines. aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after notice given by the company not to use any such engine on the railway, such person do so use such engine, without having first repaired the same to the satisfaction of the company, and obtained such certificate of approval, every such person shall in any of the cases aforesaid forfeit to the company a sum not exceeding twenty pounds; and in any such case it shall be lawful for the company to remove such engine from the railway.

CXVII. No carriage shall pass along or be upon the railway (except in Carriages to directly crossing the same, as herein or by the special Act authorized,) unless according to such carriage be at all times, so long as it shall be used or shall remain on the company's railway, of the construction and in the condition which the regulations of the company for the time being shall require; and if any dispute arise between the company and the owner of any such carriage as to the construction or condition thereof, in reference to the then existing regulations of the company, such dispute shall be settled by arbitration.

CXVIII. THE regulations from time to time to be made by the company Regulations respecting the carriages to be used on the railway shall be drawn up in writing, to be in writing, and and be authenticated by the common seal of the company, and shall be to apply also applicable alike to the carriages of the company and to the carriages of other carriages.

Carriages and engines.

companies or persons using the railway; and a copy of such regulations shall, on demand, be furnished by the secretary of the company to any person applying for the same.

Penalty on persons using improper carriages. CXIX. If any carriage, not being of such construction or in such condition as the regulations of the company for the time being require, be made to pass or be upon any part of the railway (except as aforesaid), the owner thereof, or any person having for the time being the charge of such carriage, shall forfeit to the company a sum not exceeding ten pounds for every such offence, and it shall be lawful for the company to remove any such carriage from the railway.

Owner's name, '&c. to be registered, and exhibited on carriages, if required.

CXX. THE respective owners of carriages using the railway shall cause to be entered with the secretary or other officer of the company appointed for that purpose the names and places of abode of the owners of such carriages respectively, and the numbers, weights, and gauges of their respective carriages; and such owners shall also, if so required by the company, cause the same particulars to be painted in legible characters on some conspicuous part of the outside of every such carriage, so as to be always open to view; and every such owner shall, whenever required by the company, permit his carriage to be weighed, measured, or gauged at the expence of the company.

Owner to allow carriages to be weighed, &c.

CXXI. If the owner of any carriage fail to comply with the requisitions contained in the preceding enactment, it shall be lawful for the company to refuse to allow such carriage to be brought upon the railway, or to remove the same therefrom until such compliance.

On noncompliance carriage may be removed.

CXXII. If the loading of any carriage using the railway be such as to be liable to collision with other carriages properly loaded, or to be otherwise dangerous, or if the person having the care of any carriage or goods upon the railway suffer the same or any part thereof to remain on the railway so as to obstruct the passage or working thereof, it shall be lawful for the company to cause such carriage or goods to be unloaded and removed in any manner proper for preventing such collision or obstruction, and to detain such carriage or goods, or any part thereof, until the expences occasioned by such unloading, removal, or detention be paid.

Carriages improperly loaded, or suffered to obstruct the road, may be unloaded or removed.

CXXIII. THE company shall not be liable for any damage or loss occasioned by any such unloading, removal, or detention as aforesaid, except for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or detained; nor shall they be liable for the safe custody of any such carriage or goods so detained, unless the same be wrongfully detained by them, and then only for so long a time as the same shall have been so wrongfully detained.

Company not to be liable for damage, except wilful damage, &c. by such unloading, &c.

CXXIV. THE respective owners of engines and carriages passing or being upon the railway shall be answerable for any trespass or damage done by their engines or carriages, or by any of the servants or persons employed by them, to or upon the railway, or the machinery or works belonging thereto, or to or upon the property of any other person; and every such servant or other person may lawfully be convicted of such trespass or damage before any two justices of the peace, either by the confession of the party offending, or upon the cath of some credible witness; and upon such conviction every such owner shall pay to the company, or to the person injured, as the case may be, the damage to be ascertained by such justices, so that the same do not exceed fifty pounds.

Owners of engines, &c. liable for damage done by engines, &c. or by servants.

CXXV. It shall be lawful for any owner of an engine or carriage who shall Owners may pay the amount of any damage caused by the misfeasance or negligence of any servant or other person employed by him to recover the amount so paid by him from such servant or other person, by the same means as the company are caused by their enabled to recover the amount of such damage from the owner of any engine negligence. or carriage.

amounts paid for damag

And with respect to the settlement of disputes by arbitration, be it enacted as follows:

Arbitration.

CXXVI. WHEN any dispute authorized or directed by this or the special Appointment Act, or any Act incorporated therewith, to be settled by arbitration shall have when questions arisen, then, unless both parties shall concur in the appointment of a single are to be arbitrator, each party, on the request of the other party, shall noming and arbitration. appoint an arbitrator to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing. in which shall be stated the matters so required to be referred to arbitration. shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

CXXVII. If before the matters so referred shall be determined any arbi- Vacancy of trator appointed by either party die, or become incapable to act, the party by be supplied. whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or incapacity as aforesaid.

CXXVIII. Where more than one arbitrator shall have been appointed such Appointment arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under this or the special Act; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Arbitration.

Board of Trade empowered to appoint an umpire, on neglect of the arbitrators.

In case of death of single arbitrator, the matter to begin de novo.

If either arbitrator refuse to act, the other to proceed ex parte.

If arbitrators fail to make their award within twentyone days, or prescribed time, the matter to go to the umpire.

Power for arbitrators to call for books, &c.

Arbitrator and umpire to make declaration,

Costs to be in the discretion of the arbitrators.

Submission to arbitration may be made a rule of court. The award not to be set aside for matter of form. Service of notices upon

company.

CXXIX. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, the Board of Trade shall, on the application of either party to such arbitration, appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

CXXX. If where a single arbitrator shall have been appointed such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration, under the provisions of this or the special Act, in the same manner as if such arbitrator had not been appointed.

CXXXI. If where more than one arbitrator shall have been appointed either of the arbitrators refuse or for seven days neglect to act, the other arbitrator may proceed ex parte, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

CXXXII. If where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matter referred to them shall be determined by the umpire to be appointed as aforesaid.

CXXXIII. THE said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

CXXXIV. BEFORE any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall, in the presence of a justice, make and subscribe the following declaration; that is to say,

A.B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me, under the provisions of the Act [naming the special Act].

'A.B.

Made and subscribed in the presence of

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanor.

CXXXV. EXCEPT where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators.

CXXXVI. THE submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

CXXXVII. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

CXXXVIII. AND be it enacted, that any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the com-

Recovery of damages and penalties.

determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.

Publication of penalties.

CXLIII. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or by any bye law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

Penalty for defacing boards used for such publication.

CXLIV. If any person pull down or injure any board put up or affixed as required by this or the special Act for the purpose of publishing any bye law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

Penalties to be summarily recovered before two justices.

CXLV. EVERY penalty or forfeiture imposed by this or the special Act, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons, requiring the party complained against to appear before two justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint. and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

Penalties to be levied by distress. CXLVI. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress; and such justices, or either of them, shall issue their or his warrant of distress accordingly.

Imprisonment in default of distress.

CXLVII. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return such day not being more than eight days from the time of taking such

Recovery of damages and penalties.

able excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

Transient offenders.

CLIV. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient despatch before some justice, without any warrant or other authority than this or the special Act; and such justice. shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Form of conviction.

CLV. THE justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

Proceedings not to be quashed for want of form, &c.

CLVI. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Appeal. Parties al-

to quarter

lowed to appeal sessions, on giving security.

CLVII. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Court to make such order as they think reasonable.

CLVIII. At the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

Receiver of metropolitan police district to receive penalties incurred within his district.

CLIX. Provided always, and be it enacted, that notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof

SCHEDULE referred to by the foregoing Act.

to wit.

in the BE it remembered, that on the day of vear of our Lord A.B. is convicted before us, C., D., two of her Majesty's justices of the peace for the county of describe the offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under our hands and seals, the day and year first above written.

> C. D.

CHAPTER XXVI.

An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland. [30th June 1845.]

Prohibition of fishing for trout, &c. by means of nets in any rivers, &c. in Scotland, except in case of proprietors, &c. or persons having permission from them.

THEREAS it is expedient that provision should be made for preventing the destruction of trout and other fresh-water fish by nets in the rivers, waters, and lochs of Scotland: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall not be lawful for any person whatsoever, not being the proprietor of the land through or by which any river or water flows, or on which any loch is wholly or partially situated, or not having a right there to fish for trout or fresh-water fish, or not having a written permission from some such proprietor or person entitled to fish as aforesaid, at any time after the passing of this Act to fish for trout or other fresh-water fish in any such river, water, or loch in Scotland, with any net of any kind or description; and if any person, not being a proprietor or having right or permission as aforesaid, shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for or attempting to take or fish for, in or from any such river, water, or loch, any trout or other fresh-water fish, by or with any net of any kind or description, such person shall forfeit and pay any sum not exceeding five pounds for every such offence, besides forfeiting the trout or fish taken, and also every boat or net in or by which the same may have been taken or attempted to be taken, and shall also pay the full expences of the conviction.

Penalty for trespassing on any ground or river to fish with net.

of intent.

Possession of nets evidence

Persons trespassing **may** be seized.

II. And be it enacted, that if any person shall trespass upon any ground. enclosed or unenclosed, or in or upon any river, water, or loch, with intent to take with any net any trout or other fresh-water fish, such person shall forfeit and pay a sum not exceeding five pounds for every such offence.

III. And be it enacted, that if any such trespasser shall have in his possession any net of any description whereby trout or other fresh-water fish may be taken or killed, the possession thereof shall be held to be sufficient evidence of the intent of such trespasser to commit such offence.

IV. And be it enacted, that it shall be lawful for any person, without any warrant or other authority than this Act, brevi manû, to seize and detain any person who shall be found committing any offence against this Act, and to 20 Geo. 2. c. 43, justiciary, or, where there are no circuit courts, to the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions, and restrictions, contained in an Act passed in the twentieth year of the reign of his Majesty King George the Second, for taking away and abolishing heritable jurisdiction in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or forfeiture and expences awarded against him by the sentence appealed from, in the event of the appeal being dismissed or not insisted in, together with any additional expences that may be awarded by the court on deciding or dismissing the appeal; and it shall not be competent to appeal from or bring the judgment of any sheriff acting in the execution of this Act under review by advocation or suspension, or by reduction, or in any other way than as herein provided.

Application of penalties.

VIII. And be it enacted, that all penalties and forfeitures imposed under the authority of this Act shall, when levied, be paid, the one half thereof to the prosecutor, and the other half to the poor of the parish within which the offence shall have been committed.

Limitation of actions.

IX. AND be it enacted, that no prosecution or other proceeding whatever shall be brought or commenced against any person for any offence against this Act, unless the same shall be commenced within six calendar months after such offence shall have been committed.

Interpretation of terms.

X. And be it enacted, that the words "river," "water," or "loch" occurring in this Act shall mean and include any stream, burn, mill-pool, mill-lead, mill-dam, sluice, pond, cut, canal, and aqueduct, and every other collection or run of water in which trouts and other fresh-water fish breed, haunt, or are found or preserved; that the word "sheriff" shall mean the sheriff of the county in which the offence happens or case arises, and shall include the sheriff substitutes of such sheriffs; that the singular shall include the plural number, and words importing the plural number shall include the singular; and words importing the masculine gender shall include females.

Act not to affect Salmon Fishery Acts.

XI. AND be it enacted, that nothing herein contained shall affect any Act of Parliament, general or local, passed for the preservation of the salmon fisheries in Scotland, or in relation to the fishing of salmon or fish of the salmon kind in Scotland.

CHAPTER XXVIII.

An Acr to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations. [30th June 1845.]

WHEREAS by divers Acts of Parliament various canal companies and the commissioners or trustees of several navigable rivers have been authorized and empowered to levy and receive certain tolls, rates, and charges for the use of their respective canals and navigations, which tolls, rates, and charges are for the most part required to be levied at one uniform rate per ton or per mile throughout the entire length of the said navigations and rivers respectively, without regard to any difference of circumstances which may

the said canal, navigation, branches, railways, or tramways respectively, and upon all goods, animals, articles, and things, of a like description, and conveyed or propelled in a like boat, barge, or other vessel passing along or using the same portion of the said canal, navigation, branches, railways, or tramways, under the like circumstances; and that all tolls and charges for haulage or trackage or other power to be supplied by any such company, commissioners, trustees, or lessees, shall be at all times charged equally to all persons, and after the same rate, whether per mile, or per ton per mile, or otherwise, in respect of all goods, animals, articles, and things, of a like description, and conveyed in a like boat or vessel, drawn or propelled by a like power, and passing along or using the same portion of any such canal, navigation, branches, railways, or tramways, under the like circumstances; and no reduction or advance in any tolls or charges for the use of any such canal, navigation, branches, railways, or tramways, or for the supply of any haulage, trackage, or other power by the said companies, commissioners, trustees, or lessees, shall be made, either directly or indirectly, in favour of or against any particular company or person passing along or using the same portion of such canal, navigation, branches, railways, or tramways.

Act not to apply until a meeting of shareholders, or, where there are no shareholders, until commissioners or trustees, or owners, have determined to adopt it, and notices have been duly published.

III. Provided always, and be it enacted, that this Act shall not apply to any canal or navigation the property wherein is vested in shareholders, until a meeting of the shareholders thereof shall have been duly convened, in such manner as meetings are by their respective Acts of incorporation or settlement required to be called, or are usually called, and it shall have been determined, by a majority of two thirds of the votes of the shareholders in such meeting assembled, either in person or by proxy (where by such Acts of incorporation or settlement voting by proxy is allowed), to adopt the powers hereby granted, and where such navigations are vested in commissioners or trustees, without any body of shareholders or proprietors, until a special meeting of such commissioners or trustees shall have been duly convened, in such manner as special meetings are by the respective Acts for regulating such navigations required to be called, or are usually called, and it shall have been determined by a majority of such commissioners or trustees in such meeting assembled to a lopt the powers by this Act granted, or to any canal or navigation the property wherein is vested in one or more owner or owners, proprietor or proprietors, unless the owner or owners, proprietor or proprietors thereof shall determine to adopt the powers and provisions hereby granted, nor in either case until public notice of such determination and intention shall have been inserted in the London Gazette in respect of canals or navigations in England or Wales, in the Edinburgh Gazette in respect of canals or navigations in Scotland, and in the Dublin Gazette in respect of canals or navigations in Ireland, and in some newspaper circulating in the county or counties wherein such canal or navigation, or some part thereof, shall pass, one month at the least previously to the exercise of such powers, whereupon, or immediately after the expiration of such notice, every such company, and all such commissioners, trustees, or lessees, owners and proprietors, or their respective committees, directors, or managers, or their agents by them duly authorized in manner aforesaid, may from time to time put in force and exercise the said powers or any of them in the manner by this Act authorized.

[30th June 1845.]

Canal companies subject to a limitation of profits, already reached, not to raise their dues. V. Provided also, and be it enacted, that where in any canal or navigation Act there shall have been inserted any special provision, which shall be still in force and unrepealed, whereby the amount of the annual dividends, interest, or profits to be shared or divided amongst the proprietors or shareholders of such canal or navigation shall have been limited not to exceed a certain per-centage or amount, and the maximum of such per-centage or amount shall have been attained at the time of the passing of this Act, it shall not be lawful for the company of proprietors, trustees, or undertakers of any such canal or navigation to avail themselves of any of the powers of this Act for the purpose of raising or increasing the tonnage rates, tolls, or duties which on the first day of January immediately before the passing of this Act were charged or levied upon any boats, barges, or other vessels carried upon or passing along such canal or navigation, or any part thereof.

Act not to exempt any canal, &c. from any general Act. VI. And be it enacted, that nothing herein contained shall be construed to exempt any canal or navigation company who shall adopt the powers of this Act from the operation of any general Act, regulating the manner of charging tolls and other charges upon canals and navigations in respect of passengers, goods, animals, articles, and things, of a like description, which may be passed in the course of any future session of Parliament.

CHAPTER XXX.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council."

& 4 Will. 4.

HEREAS by an Act passed in the session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act for the better administration of justice in his Majesty's privy council," after reciting that various appeals to his Majesty in council from the courts of Suddur Dewanny Adawlut at the several presidencies of Calcutta, Madras, and Bombay, in the East Indies, had been admitted by the said courts, and the transcripts of the proceedings in appeal had been from time to time transmitted under the seal of the said courts through the East India Company, then called the United Company of Merchants of England trading to the East Indies, to the office of his Majesty's said privy council, but that the suitors in the causes so appealed had not taken the necessary measures to bring on the same to a hearing, it was enacted that it should be lawful for his Majesty in council to give such directions to the said company and other persons, for the purpose of bringing to a hearing before the judicial committee of the privy council the several cases appealed or thereafter to be appealed to his Majesty in council from the several courts of Suddur Dewanny Adawlut in the East Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for the security and payment of the costs thereof as his said Majesty in council should think fit, and thereupon such appeals should be heard and reported on to his Majesty in council, and should be by his Majesty in council determined, in the same manner, and the judgments, orders.

" amending an Act of the last session of Parliament, relating to the building

" repairing, and enlarging of certain gaols and houses of correction, and the " procuring information as to the state of all other gaols and houses of correc-"tion in England and Wales," the justices of the peace assembled at any general or quarter sessions to be holden for any county were authorized, in certain cases, and under the restrictions therein mentioned, to borrow on mortgage of the rate of such county any sum or sums of money not exceeding in the whole the principal sum of money that might then be outstanding on the securities theretofore granted under the said first-recited Act, and therewith to discharge the whole or any part of the money for which such securities should have been given: And whereas by an Act passed in the sixth year of the reign of his said Majesty King George the Fourth, intituled "An Act to " enable justices of the peace in England, in certain cases, to borrow money on " mortgage of the rate of the county, riding, or place for which such justices " shall be then acting," the justices of the peace assembled at any general or quarter sessions to be holden for any county were authorized, in certain cases, and under the restrictions therein mentioned, to borrow on mortgage of the rate of such county any sum or sums of money not exceeding in the whole the principal sum of money that might then be outstanding on the securities theretofore granted under the provisions of the said recited Acts of the fourth and fifth years of the reign of his said Majesty King George the Fourth, or of either of them, or under the provisions of an Act passed in the forty-eighth year of the reign of his Majesty King George the Third, intituled "An Act " for the better care and maintenance of lunatics, being paupers or criminals, " in England," or under the provisions of any other Act or Acts, and therewith to pay off and discharge the whole or any part of the money for which such securities should have been given; and by the same now reciting Act some of the restrictions imposed by the said herein-before recited Acts upon the power thereby given to borrow money on mortgage of the rate of any county as aforesaid were repealed: And whereas by an Act passed in the seventh year of the reign of his said Majesty King George the Fourth, intituled " An Act to provide for repairing, improving, and rebuilding shire halls. " county halls, and other buildings for holding the assizes and grand sessions. " and also judges lodgings, throughout England and Wales," the justices of the peace in quarter sessions assembled were authorized, under the restrictions therein mentioned, from time to time to borrow and take up on mortgage of the rate of any county such sum of money and for such purposes as therein mentioned, and to secure every such sum of money so borrowed upon the credit of the said rates; and by the now reciting Act the said recited Act of the sixth year of the reign of his said Majesty King George the Fourth, and the several clauses, powers, and provisions therein contained relating to the paying off of any debt or debts, and the borrowing of any money for such purposes, were made applicable to the paying off any money borrowed under the provisions or for the purposes of the now reciting Act: And whereas by an Act passed in the ninth year of the reign of his said Majesty King George the Fourth, intituled "An Act to amend the laws for the erection and regula-" tion of county lunatic asylums, and more effectually to provide for the care

" and maintenance of pauper and criminal lunatics, in England," the justices of the peace within the respective limits of their commission, assembled in

6 Geo. 4. c. 40.

48 Geo. 3. c. 96.

7 Geo. 4 c. 63.

9 Geo. 4.

poses aforesaid, upon terms advantageous to the said rate-payers; and it is therefore expedient that so much of the said several recited Acts as authorizes the justices of the peace to borrow money on mortgage of county rates for any other purpose than that of paying off or discharging money which at the time of the passing of this Act hath been borrowed on mortgage of the rates of any county should be repealed, so far as relates to the county of Middlesex; and that the justices of the peace for the same county should be authorized to borrow on mortgage of the rates of the same county such sums of money as may be hereafter required for the purposes mentioned in the said several herein-before recited Acts of the fourth, seventh, and ninth years of the reign of his said Majesty King George the Fourth, and the said Act passed in the session of Parliament holden in the fourth and fifth years of the reign of her present Majesty respectively, (other than for paying off or discharging money hereafter to be borrowed on mortgage of the rates of the same county,) without being subject to the restrictions by the same several Acts and the said recited Act passed in the session of Parliament holden in the fifth and sixth years of the reign of her present Majesty respectively imposed upon the powers thereby given to borrow money for the purposes aforesaid, but subject to such other restrictions as are herein-after imposed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said several recited Acts as authorizes the justices of the peace for any county to borrow money on mortgage of the rates to be raised upon such county for any purpose, (other than the purpose of paying off or discharging any money which at the time of the passing of this Act hath been borrowed on mortgage of the rates of such county,) so far as the said several recited Acts respectively relate to the said county of Middlesex, shall be and the same is hereby repealed [Rep., Stat. Law Rev. Act, 1875].

So much of the recited Acts as authorizes the borrowing of money on mortgage of the rates repealed, so far as relates to the county of Middlesex.

Justices for the county of Middlesex may borrow money on mortgage of the county rate, for building or repairing shire halls, &c. under 7 Geo. 4. c. 63., or county bridges, &c. under 4 & 5 Vict. c. 59., by instrument in form in schedule;

II. And be it enacted, that from time to time, when any estimate shall have been approved by the justices of the peace for the said county of Middlesex in general quarter sessions assembled for the building or rebuilding, repairing, or enlarging any gaol or house of correction in and for the said county, under the powers of the said recited Act of the fourth year of the reign of his said Majesty King George the Fourth, and also [Rep., Stat. Law Rev. Act, 1875.] when any estimate shall have been approved by the justices of the peace for the said county in general or quarter sessions assembled for the building or rebuilding, repairing, improving, or enlarging any shire hall, county hall, or other building in and for the said county, under the powers of the said recited Act of the seventh year of the reign of his said Majesty King George the Fourth, and also when it shall seem necessary and expedient to the justices of the peace for the said county in general or quarter sessions assembled to borrow and take up on mortgage of the rates to be raised upon the said county any money, in order to defray the charge and costs of carrying the said recited Act of the ninth year of the reign of his said Majesty King George the Fourth, relating to county lunatic asylums, into execution, so far as the same relates to the said county, Rep. Stat. Law Rev. Act, 1875. I, and also when any estimate shall have been approved by the justices of the peace for the said county in general or quarter sessions assembled for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any county bridge or bridges, or the approaches thereto, or the land arches connected therewith, which the said county is legally bound to repair or maintain, it shall and may be lawful for the justices of the peace for the said county in general or quarter sessions assembled from time to time to borrow and take up at interest on mortgage of the rate of the said county, by instrument in the form contained in the

hath proposed and agreed and Ireland, which to lend and hath now actually paid to the treasurer of the said county of Middlesex, upon the credit of the said rates, to defray the expence of [state the purpose to which the money is to be applied]; and we do hereby confirm , his executors, and establish the same unto the said administrators, and assigns, for securing the repayment of the said sum , and interest for the same after the rate of for every one hundred pounds for a year; and do order the treasurer for such county of Middlesex to pay the interest of the said sum of or of so much thereof as shall from time to time remain undischarged, halfyearly on the and the in every year, as the same shall become due, until the day of principal shall be discharged, pursuant to the directions of the said Act; and to pay one equal thirtieth part or share of the said principal sum to the said , his executors, administrators, day of , which will be in the and assigns, on the year of our Lord one thousand eight hundred and , and one other equal thirtieth part or share of the said principal sum on the day of in each and every succeeding year, until the whole of the said sum of shall be fully paid and discharged, pursuant to the directions of the said Act. As witness our hands and seals, the day and year first above written. Signed, sealed, and delivered ? in the presence of

CHAPTER XXXIII.

An Acr for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in Scotland.

[21st July 1845.] TYPHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of railways in Scotland, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings, as for ensuring greater uniformity in the provisions themselves: And whereas a Bill is now pending in Parliament, intituled "An Act for consolidating in one Act certain provisions usually inserted in " Acts authorizing the taking of lands for undertakings of a public nature in " Scotland," and which is intended to be called "The Lands Clauses Consoli-" dation (Scotland) Act, 1845": Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the provisions of this Act shall apply to every railway in Scotland which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other

This Act to apply to all railways in Scotland authorized by Acts hereafter to be passed.

Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

And with respect to the construction of this Act, and other Acts to be Interpretations incorporated therewith, be it enacted as follows:

II. THE expression "the special Act" used in this Act shall be construed to "Special mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein "Prescribed:" stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the lands" shall mean the lands which shall by the special Act be "The lands:" authorized to be taken or used for the purposes thereof; and the expression "the undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

III. THE following words and expressions both in this and the special Act Interpretations shall have the meanings hereby assigned to them, unless there be something in in this and the subject or context repugnant to such construction; (that is to say,)

the special

Words importing the singular number only shall include the plural number; Number: and words importing the plural number only shall include also the singular number :

Words importing the masculine gender only shall include females:

Gender: " Lands:"

The word "lands" shall include lands, houses, tenements, and heritages, of any tenure:

"Lease:"

The word "lease" shall include a missive or an agreement for a lease: The word "toll" shall include any rate or charge or other payment payable "Toll:"

under the special Act for any passenger, animal, carriage, goods, merchandize, articles, matters, or things, conveyed on the railway:

The word "month" shall mean calendar month:

" Month :"

The "lord ordinary" shall mean the lord ordinary of the Court of Session "Lord orin Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be:

The word "oath" shall include affirmation in the case of Quakers, or other "Oath:" declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word "county" shall include any ward or other like division of a "County:" county:

The word "sheriff" shall include the sheriff substitute:

The word "justice" shall mean justice of the peace acting for the county, "Justice:" city, or place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one county, city, or place, shall mean a justice acting for the county, city, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two or more justices assembled and acting together:

tices;"

" Owner:

Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company:

"The Bank:"

The expression "the bank" shall mean any one of the incorporated or chartered banks in Scotland:

"The company:"

The expression "the company" shall mean the company or party which shall be authorized by the special Act to construct the railway:

"The rail-way:"

The expression "the railway" shall mean the railway and works by the special Act authorized to be constructed:

" Board of Trade." The expression "the Board of Trade" shall mean the lords of the committee of her Majesty's privy council appointed for trade and foreign plantations.

Short title of the Act.

IV. And be it enacted, that in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Railways Clauses Consolidation (Scotland) Act, 1845."

Form in which portions of this Act may be incorporated in other Acts.

V. And whereas it may be convenient in some cases to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act: Be it therefore enacted, that for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

Construction of railway.

And with respect to the construction of the railway and the works connected therewith, be it enacted as follows:

The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation (Scotland) Act,

VI. In exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation (Scotland) Act; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

VII. IF any omission, mis-statement, or erroneous description shall have Construction of been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference mentioned in the special Act, or Errors and in the schedule to the special Act, it shall be lawful for the company, after omissions in giving ten days notice to the owners of the lands affected by such proposed cor-corrected. rection, to apply to the sheriff for the correction thereof; and if it shall appear to such sheriff that such omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited in the office of the principal sheriff clerk in every county in which the lands affected thereby shall be situate, and shall also be deposited with the schoolmasters of the several parishes (or in royal burghs with the town clerk) in which the lands affected thereby shall be situate; and such certificate shall be kept by such sheriff clerks, schoolmasters, and other persons respectively along with the other documents to which they and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and it shall be lawful for the company to make the works in accordance with such certificate.

be proceeded with until alterations

VIII. It shall not be lawful for the company to proceed in the execution of Works not to the railway, unless they shall have previously to the commencement of such work deposited in the office of the principal sheriff clerk in every county in or plans of all through which the railway is intended to pass a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the deposited. original plan and section of the railway, and shall also have deposited with the schoolmasters of the several parishes, (or in royal burghs with the town clerk,) in or through which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

> &c. to receive plans of alterations, and allow inspection.

IX. THE said sheriff clerks, schoolmasters, and town clerks shall receive the Sheriff clerks, said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of the original plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents " as shall be directed to be deposited with them under the standing orders of

Will. 4. & 1 Vict. c. 83.

X. TRUE copies of the said plans and books of reference, or of any altera- Certified copies tion or correction thereof, or extract therefrom, certified by any such sheriff clerk in Scotland, which certificate such sheriff clerk shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

either House of Parliament."

to be evidence.

from the levels of the railway, as referred to the common datum line described

Limiting deviation from datum line described on

XI. In making the railway it shall not be lawful for the company to deviate in the section approved of by Parliament, and as marked on the same, to any

railway.

Construction of extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the consent of the trustees or commissioners having the control of such street or public highway. or, if there be no such trustees or commissioners, without the consent of the sheriff, or without the consent of the trustees or commissioners for any public sewers, or the proprietors of any canal, navigation, gas works, or water-works. affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, streets, or canals passing under the same: Provided also, that notice of every application to the sheriff for the purpose of considering the matter shall, fourteen days previous to such application, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

Public notice to be given previous to making greater deviations.

Power to owners of against such

adjoining lands to appeal to Board of Trade deviations.

Arches, tunnels, &c. to be made as marked on deposited plans.

Limiting deviations from gradients, curves, &c.

XII. BEFORE it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood where such deviation is intended to be made, three weeks at least before commencing to make such deviation; and it shall be lawful for the owner of any lands prejudicially affected thereby, at any time before the commencement of the making of such deviation, to apply to the Board of Trade, after giving ten days notice to the company, to decide whether, having regard to the interests of such applicant, such proposed deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such question accordingly, and by their certificate in writing either to disallow the making of such deviation, or to authorize the making thereof, either simply, or with any such modification as shall seem proper to the Board of Trade; and after any such certificate shall have been given by the Board of Trade it shall not be lawful for the company to make such deviation, except in conformity with such certificate.

XIII. WHERE in any place it is intended to carry the railway on an arch or arches or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in which such tunnel is intended to be made shall consent that the same shall not be so made.

XIV. It shall not be lawful for the company to deviate from or alter the gradients, curves, tunnels, or other engineering works described in the said plan or section, except within the following limits, and under the following conditions; (that is to say,)

Subject to the above provisions in regard to altering levels, it shall be Construction of lawful for the company to diminish the inclination or gradients of the railway to any extent, and to increase the said inclination or gradients as follows; (that is to say,) in gradients of an inclination not exceeding one in a hundred, to any extent not exceeding ten feet per mile, or to any further extent which shall be certified by the Board of Trade to be consistent with the public safety, and not prejudicial to the public interest; and in gradients exceeding the inclination of one in a hundred, to any extent not exceeding three feet per mile, or to any further extent which shall be so certified by the Board of Trade as aforesaid:

It shall be lawful for the company to diminish the radius of any curve described in the said plan to any extent which shall leave a radius of not less than half a mile, or to any further extent authorized by such certificate as aforesaid from the Board of Trade:

It shall be lawful for the company to make a tunnel, not marked on the said plan or section, instead of a cutting, or a viaduct instead of a solid embankment, if authorized by such certificate as aforesaid from the Board of Tr**a**de.

XV. IT shall be lawful for the company to deviate from the line delineated Lateral on the plans so deposited, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the said plans, nor to a greater extent in passing through a town than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, and that the railway by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake. and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said book of reference.

XVI. SUBJECT to the provisions and restrictions in this and the special Act. Works to be and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works: (that is to say,)

They may make or construct, in, upon, across, under, or over any lands, or Inclined any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper;

They may alter the course of any rivers not navigable, canals, brooks, Alteration streams, or watercourses, and of any branches of navigable rivers, such rivers, &c. branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams,

railway.

deviations.

Construction of railway.

Drains, &c.

Warehouses, &c.

Alterations and repairs.

General power.

Proviso as to damages.

Works on the shore of the see, &c. not to be constructed without the authority of the commissioners of woods and forests and commissioners of the Admiralty.

roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper;

They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as they think proper;

They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway:

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

XVII. It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of her Majesty, her heirs and successors, to be signified in writing under the hands of two of the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, and of the lord high admiral of the United Kingdom of Great Britain and Ireland, or the commissioners for executing the office of the lord high admiral aforesaid for the time being, to be signified in writing under the hand of the secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, and the said lord high admiral, or the said commissioners, may approve of, such approval being signified as last aforesaid; and where any such work, railway, or bridge shall have been constructed it shall not be lawful for the company at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work, railway, or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said commissioners of her Majesty's woods. forests, land revenues, works, and buildings, or the said lord high admiral, or the said commissioners for executing the office of lord high admiral, to abate and remove the same, and to restore the site thereof to its former condition, at the costs and charge of the company; and the amount thereof may be recovered in the same manner as a penalty is recoverable against the company.

Alteration of water and gas pipes, &c. XVIII. It shall be lawful for the company, for the purpose of constructing the railway, to raise, sink, or otherwise alter the position of any of the water-courses, water pipes, or gas pipes belonging to any of the houses adjoining or near to the railway, and also the mains and other pipes laid down by any company or society who may furnish the inhabitants of such houses or places with water or gas, and also to remove all other obstructions to such construction, so as the same respectively be done with as little detriment and

inconvenience to such company, society, or inhabitants as the circumstances Construction of will admit, and be done under the superintendence of the company to which such water pipes or gas pipes belong, and of the several commissioners or trustees or persons having control of the pavements, sewers, roads, streets, highways, lanes, and other public passages and places within the parish or district where such mains, pipes, or obstructions shall be situate, or of their surveyor, if they or he think fit to attend, after receiving not less than fortyeight hours notice for that purpose.

XIX. PROVIDED always, that it shall not be lawful for the company to Company not remove or displace any of the mains or pipes, (other than private service pipes,) syphons, plugs, or other works belonging to any such company or society, or to do any thing to impede the passage of water or gas into or through such mains or pipes, until good and sufficient mains or pipes, syphons, plugs, and all other works necessary or proper for continuing the supply of water or gas as sufficiently as the same was supplied by the mains or pipes proposed to be removed or displaced, shall, at the expence of the company, have been first made and laid down in lieu thereof, and be ready for use, in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction of the railway, and to the satisfaction of the surveyor or engineer of such water or gas company or society, or, in case of disagreement between such surveyor or engineer and the company, as a justice shall direct.

XX. It shall not be lawful for the company to lay down any such pipes Pipes not to be laid concontrary to the regulations of any Act of Parliament relating to such water or gas company or society, or to cause any road to be lowered for the purposes of of Parliament, the railway, without leaving a covering of not less than eighteen inches from surface road the surface of the road over such mains or pipes.

XXI. THE company shall make good all damage done to the property of the Company to water or gas company or society by the disturbance thereof, and shall make all damage. full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the main pipes or works of such water or gas company or society, or with the private service pipes of any person supplied by them with water.

XXII. IF it shall be necessary to construct the railway or any of the works When railway over any mains or pipes of any such water or gas company or society, the company to company shall, at their own expence, construct and maintain a good and suffi- make a culver cient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

XXIII. If by any such operations as aforesaid the company shall interrupt Penalty for the supply of water or gas, they shall forfeit twenty pounds for every day that supply of gas such supply shall be so interrupted; and such penalty shall be appropriated to or water. the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the minister and kirk session of the parish shall direct.

XXIV. IF any person wilfully obstruct any person acting under the autho- Penalty for rity of the company in the lawful exercise of their power in setting out the construction line of the railway, or pull up or remove any poles or stakes driven into the of railway. ground for the purpose of so setting out the line of the railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding five pounds for every such offence.

pipes until they have laid down others.

to be retained

crosses pipes,

Temporary use of lands.

Company may occupy temporarily private roads within five hundred yards of the railway.

Notice to be given;

and compensation paid.

Power to owners and occupiers of road and land to object that other roads should be taken.

Power to take temporary possession of land without previous payment. And with respect to the temporary occupation of lands near the during the construction thereof, be it enacted as follows:

XXV. Subject to the provisions herein and in the special Act cont shall be lawful for the company, at any time before the expiration of th by the special Act limited for the completion of the railway, to enter 1 use any existing private road, being a road gravelled or formed with other hard materials, and not being an avenue or a planted or or road, or an approach to any mansion house, within the prescribed limit or, if no limits be prescribed, not being more than five hundred yard from the centre of the railway, as delineated on the plans; but be company shall enter upon or use any such existing road they shall g weeks notice of their intention to the owners and occupiers of such a of the lands over which the same shall pass, and shall in such notice time during which, and the purposes for which, they intend to occur road, and shall pay to the owners and occupiers of such road, and of t through which the same shall pass, such compensation for the use and tion of such road, either in a gross sum of money or by half-yearly inst as shall be agreed upon between such owners and occupiers respecti the company, or, in case they differ about the compensation, the same settled by the sheriff, in the same manner as any compensation not e fifty pounds is directed to be settled by the Lands Clauses Consc (Scotland) Act, 1845.

XXVI. It shall be lawful for the owners and occupiers of any so and of the lands over which the same passes, within ten days a service of the aforesaid notice, by notice in writing to the company, to the company making use of such road, on the ground that other rose as the company are herein-before authorized to use for the purposes at or that some public road, would be more fitting to be used for the same upon the objection being so made such proceedings may be had as are after mentioned with respect to lands temporarily occupied by the confirmation in the same manner as if in the provisions relative to such proceed word road or roads, or the words road and the land over which the passes, as the case may require, had been substituted in such provisions word lands.

XXVII. Subject to the provisions herein and in the special Act contributed it shall be lawful for the company, at any time before the expiration approved by the special Act limited for the completion of the railway, making any previous payment, tender, or deposit, to enter upon an within the prescribed limits, or, if no limits be prescribed, not being more two hundred yards distant from the centre of the railway, as delineated plans, and not being a garden, or chard, or plantation attached or below a house, nor a park, planted walk, avenue, or ground ornamentally and not being nearer to the mansion house of the owner of any such than the prescribed distance, or, if no distance be prescribed, then not than five hundred yards therefrom, and to occupy the said lands so may be necessary for the construction or repair of that portion of the way, or of the accommodation works connected therewith, herein-after

tioned, and to use the same for any of the following purposes; (that is to say,)

Temporary use of lands.

For the purpose of taking earth or soil by side cuttings therefrom;

For the purpose of depositing spoil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid; or For the purpose of forming roads thereon to or from or by the side of the

railway:

And in exercise of the powers aforesaid it shall be lawful for the company to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway, and also to dig and take from out of any such lands any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always, that nothing in this Act contained shall exempt the company from an action for nuisance or other injury, if any, done in the exercise of the powers herein-before given to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid: Provided always, that no stone or slate quarry, brick field, or other like place, which at the time of the passing of the special Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the company, either wholly or in part, for any of the purposes lastly herein-before mentioned.

XXVIII. In case any such lands shall be required for spoil banks or for Company to side cuttings, or for obtaining materials for the construction or repairing of give notice the railway, the company shall before entering thereon (except in the case of such temporar accident to the railway requiring immediate reparation) give three weeks possession. notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes; and in case the said lands are required for any of the other purposes herein-before mentioned the company shall (except in the cases aforesaid) give ten days like notice thereof; and the company shall in such notices respectively state the substance of the provisions herein-after contained respecting the right of such owner or occupier to require the company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

XXIX. THE said notice shall either be served personally on such owners Service of and occupiers, or left at their last usual place of abode, if any such can after notices on owners and diligent inquiry be found; and in case any such owner shall be absent from occupiers of the United Kingdom, or cannot be found after diligent inquiry, such notice lands. shall be served on the factor or agent (if any) of such owner, and shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XXX. In any case in which a notice of three weeks is herein-before required Power to to be given it shall be lawful for the owner or occupier of the lands therein owner to object that referred to, within ten days after the service of such notice, by notice in lands are writing to the company, to object to the company making use of such lands, retained, or that either on the ground that the lands proposed to be taken for the purposes other lands aforesaid, or some part thereof, or of the materials contained therein, are taken.

Temporary use of lands.

essential to be retained by such owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as herein-after mentioned; and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for the sheriff, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before him at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such sheriff to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

Power to the sheriff to summon other owners before him. XXXI. If in the case last mentioned it shall appear to such sheriff, upon the inquiry before him, that the lands of any other party not summoned before him, being sufficient in quantity, and such as the company are herein-before authorized to take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said sheriff to adjourn such inquiry, and to summon such other person to appear before him at any time, not being more than fourteen days from such inquiry nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, on proof of due service of the summons, it shall be lawful for such sheriff to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

The company to give sureties, if required.

XXXII. BEFORE entering, under the provisions herein-before contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as herein-before mentioned, find two sufficient persons, to be approved of by the sheriff, in case the parties differ, who shall enter into a bond to such owner or occupier, in a sum to such amount as shall be approved of by the sheriff, in case the parties differ, for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the lands before using them. XXXIII. Before the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two justices

shall deem necessary for the purposes aforesaid, on application being made to them in like manner as herein-before is provided in respect of the use of such

Temporary use of lands.

XXXIV. THAT if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct, or, in case of disagreement between such surveyor or agent and the company, in such manner as any justice shall direct, on the application of either party, after notice of the hearing of the application shall have been given to the other party.

Lands taken for getting materials. &c. to be worked as surveyor of owner shall direct.

XXXV. In all cases in which the company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such chase lands lands, or parties having such interests therein as, under the provisions in the occupied. said Lands Clauses Consolidation Act mentioned, are capable of being by them sold or conveyed to the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company, requiring them to purchase the said lands, or interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the interest therein capable of being sold and conveyed by the parties serving such notice.

Owners of compel com-

XXXVI. In any of the cases aforesaid, where the company shall not be re- Compensation quired to purchase such lands, and in all other cases where they shall take for temporary temporary possession of lands by virtue of the powers herein or in the special occupation. Act granted, it shall be incumbent on the company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier, or to the owner of the lands, as the case may require, a rent, to be fixed by the sheriff in case the parties differ, and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the Bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

XXXVII. THE amount and application of the purchase money and other Purchasecompensation payable by the company in any of the cases aforesaid shall be money or

to be ascertained and applied under the Lands Clauses Act.

> Lands for additional stations.

Land to be taken for additional stations, &c. determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

XXXVIII. And be it enacted, that it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, or to any other railway communicating therewith, and on which the traffic thereupon may pass, and in any town or city adjoining to or near such railways, not exceeding in the whole the prescribed number of acres, for extraordinary purposes; (that is to say,)

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences;

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

And with respect to the crossing of roads, or other interference therewith, be it enacted as follows:

XXXIX. If the line of the railway cross any turnpike road or publi € highway, then, except where otherwise provided by the special Act, either suc road shall be carried over the railway, or the railway shall be carried over suc road, by means of a bridge, of the height and width and with the ascent our descent by this or the special Act in that behalf provided; and such bridge. with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expence of the company: Provided always, that, with the consent of the sheriff or two or more justices, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.

XL. If the railway cross any turnpike road or public carriage road on sa level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway, where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of forty shillings for every default therein: Provided always, that it shall be lawful for the Board of Trade. in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept

Crossing of roads, and construction of bridges.

Crossing of roads.

Level crossings.

Provision in cases where roads are crossed on a level.

constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

Crossing of roads, and construction of bridges,

XLI. WHERE the railway crosses any turnpike road on a level adjoining to As to crossing a station, all trains on the railway shall be made to slacken their speed before arriving at such turnpike road, and shall not cross the same at any greater stations. rate of speed than four miles an hour; and the company shall be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Board of Trade.

XLII. EVERY bridge to be erected for the purpose of carrying the railway Construction over any road, except as otherwise provided by the special Act, shall be built carrying in conformity with the following regulations; (that is to say,)

railway over roads.

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty-five feet if the arch be over a turnpike road, and of twenty-five feet if over a public carriage road, and of twelve feet if over a private road:

The clear height of the arch from the surface of the road shall be not less than sixteen feet for a space of twelve feet if the arch be over a turnpike road, and fifteen feet for a space of ten feet if over a public carriage road; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet:

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage road:

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike road, one foot in twenty feet if over a public carriage road, and one foot in sixteen feet if over a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

XLIII. EVERY bridge erected for carrying any road over the railway shall, Construction of bridges except as otherwise provided by the special Act, be built in conformity with carrying roads the following regulations; (that is to say,)

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet:

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike road, and twenty-five feet if a public carriage road, and twelve feet if a private road:

The ascent shall not be more than one foot in thirty feet if the road be a turnpike road, one foot in twenty feet if a public carriage road, and one foot in sixteen feet if a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

VOL. IX.

Crossing of roads, and construction of bridges

The width of the bridges need not exceed the width of the existing roads in certain cases.

Bridges to be widened in certain cases.

XLIV. PROVIDED always, that in all cases where the average available width for the passage of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width herein-before prescribed for bridges over or under the railway the width of such bridges need not be greater than such average available width of such roads, but so nevertheless that such bridges be not of less width, in the case of a turnpike road or public carriage road, than twenty feet: Provided also, that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound, at their own expence, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road, not exceeding the width of such road as so widened, or the maximum width herein or in the special Act prescribed for a bridge in the like case over or under the railway.

Existing inclinations of roads crossed or diverted need not be improved.

XLV. Provided also, that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may require to be altered, or for which another road shall be substituted, shall be steeper than the inclination herein-before required to be preserved by the company, then the company may carry any such road over or under the railway, or may construct such altered or substi tuted road, at an inclination not steeper than the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered, or for which another road shall be substituted.

Before roads interfered with, others to be substituted.

XLVI. IF, in the exercise of the powers by this or the special Act granted. it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expence maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Penalty for a road.

XLVII. If the company do not cause another sufficient road to be so made not substituting before they interfere with any such existing road as aforesaid, they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof; and every such penalty shall be recoverable, with costs, by action in any competent court.

Party suffering damage from interruption of road to recover in an action on the case.

XLVIII. If any party entitled to a right of way over any road so interfered with by the company shall suffer any special damage by reason that the company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the company, with expences, by action in the Court of Session, if the damage claimed exceeds twenty-five pounds, or in the sheriff court, if the damage claimed does not exceed twenty-five pounds, and that whether any party shall have sued for such penalty as

aforesaid or not, and without prejudice to the right of any party to sue for the same.

XLIX. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a Roads incondition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot or others perbe restored compatibly with the formation and use of the railway, the company stituted, within shall cause the new or substituted road, or some other sufficient substituted a limited time. road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

L. IF any such road be not so restored, or the substituted road so completed Penalty for as aforesaid, within the periods herein or in the special Act fixed for that purpose, the company shall forfeit to the trustees, commissioners, surveyor, or other substitute road. person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, twenty pounds for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the sheriff or justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LI. If in the course of making the railway the company shall use or inter- Company to fere with any road, they shall from time to time make good all damage done repair roads by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, the same shall be determined by the sheriff or two justices; and such sheriff or justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period, as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty, not exceeding five pounds per day, as to such sheriff or justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said sheriff or justices shall have regard to and make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

LII. If the railway shall cross any highway other than a public carriageway on the level, the company shall at their own expence make and at all times maintain convenient ascents and descents and other convenient approaches, with handrails and other fences, and shall, if such highway be a bridleway, erect and at all times maintain good and sufficient gates, and if the same shall crossing on the level.

Crossing of roads, and construction of bridges.

terfered with to be restored,

used by them.

Company to approaches and fences to highways, other than public carriage roads,

Crossing of roads, and construction of bridges.

Proceedings on application to sheriff or justices to consent to level crossings over such highways.

Sheriff or justices to have power to order approaches and fences to be made to highways crossing on the level.

Screens for roads.

Screens for roads to be made, if required by the Board of Trade.

Penalty for failing to construct screens. be a footway, good and sufficient gates or stiles on each side of the railway, where the highway shall communicate therewith.

LIII. When the company shall intend to apply for the consent of the sheriff or two justices, as herein-before provided, so as to authorize them to carry the railway across any highway other than a public carriage road on the level, they shall, fourteen days at least previous to the time at which such application is intended to be made, cause notice of such intended application to be given in some newspaper circulating in the county, and also to be affixed upon the door of the parish church of the parish in which such crossing is intended to be made, or, if there be no such church, some other place to which notices are usually affixed; and if it appear to the sheriff, or to any two or more justices acting for the district in which such highway at the proper crossing thereof is situate, after such notice as aforesaid, that the railway carried across such highway in the level, it shall be lawful for such sheriff or justices to consent that the same may be so carried accordingly.

LIV. If when the railway shall cross any highway on the level the company fail to make convenient ascents and descents or other convenient approaches, and such handrails, fences, gates, and stiles as they are herein-before required to make, it shall be lawful for the sheriff or two justices, on the application of the surveyor of roads, or of any two householders within the parish or district where such crossing shall be situate, after not less than ten days notice to the company, to order the company to make such ascent and descent or other approach, or such handrails, fences, gates, or stiles as aforesaid, within a period to be limited for that purpose by such sheriff or justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the sheriff or justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such person as they think fit, in executing the work in respect whereof such penalty was incurred.

LV. If the commissioners or trustees of any turnpike road, or the surveyor of any highway, apprehend danger to the passengers on such road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway, it shall be lawful for such commissioners or trustees or surveyor, after giving fourteen days notice to the company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said board that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road, it shall be lawful for them, if they shall think fit, to certify the works necessary or proper to be executed by the company for the purpose of obviating or lessening such danger, and by such certificate to require the company to execute such works within a certain time after the service of such certificate, to be appointed by the said board.

LVI. Where by any such certificate as aforesaid the company shall have been required to execute any such work in the nature of a screen, they shall execute and complete the same within the period appointed for that purpose in such certificate; and if they fail so to do they shall forfeit to the commissioners or trustees or surveyor five pounds for every day during which such works shall remain uncompleted beyond the period so appointed for their completion;

and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

WHERE, under the provisions of this or the special Act, or any Act incorporated therewith, the company are required to maintain or keep in repair any bridge, fence, approach, gate, or other work executed by them, it shall be lawful for the sheriff or two justices, on the application of the surveyor of roads, or of any two householders of the parish or district where such work have power may be situate, complaining that any such work is out of repair, after not less than ten days notice to the company, to order the company to put such work bridges, &c. into complete repair, within a period to be limited for that purpose by such sheriff or justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the sheriff or justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such persons as they think fit, in putting such work into repair.

LVIII. And whereas expence might frequently be avoided, and public convenience promoted, by a reference to the Board of Trade upon the construction of public works of an engineering nature connected with the railway, where a strict compliance with the provisions of this or the special Act might be impossible, or attended with inconvenience to the company, and without adequate advantage to the public: Be it enacted, that in case any difference Board of in regard to the construction, alteration, or restoration of any road or bridge, or other public work of an engineering nature, required by the provisions of this or the special Act, shall arise between the company and any trustees, commissioners, surveyors, or other persons having the control of or being authorized by law to enforce the construction of such road, bridge, or work, it shall be lawful for either party, after giving fourteen days notice in writing of their intention so to do to the other party, to apply to the Board of Trade to decide upon the proper manner of constructing, altering, or restoring such road, bridge, or other work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by certificate in writing, any arrangement or mode of construction in regard to any such road, bridge, or other work which shall appear to them either to be in substantial compliance with the provisions of this and the special Act, or to be calculated to afford equal or greater accommodation to the public using such road, bridge, or other work; and after any such certificate shall have been given by the Board of Trade the road, bridge, or other work therein mentioned shall be constructed by the company in conformity with the terms of such certificate, and being so constructed shall be deemed to be constructed in conformity with the provisions of this and the special Act: Provided always, that no such certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

LIX. AND be it enacted, that all regulations, certificates, notices, and other Authentication documents in writing, purporting to be made or issued by or by the authority of the Board of the Board of Trade, and signed by some officer appointed for that purpose of Trade, by the Board of Trade, shall, for the purposes of this and the special Act, and service of notices, &c. any Act incorporated therewith, be deemed to have been so made and issued,

Constructions or reparations of bridges.

Sheriff or justices to

Trade empowered to modify the construction of certain roads, bridges, &c. where a strict compliance with the Act impossible or inconvenient.

and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to, the office of the Board of Trade in London.

Works for accommodation and protection of lands. And with respect to works for the accommodation of lands adjoining the railway, be it enacted as follows:

Works to be erected for the accommodation of adjoining lands.
Gates,

bridges, &c. :

LX. THE company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway; (that is to say,)

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the railway, as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Fences:

Also sufficient posts, rails, hedges, ditches, mounds, or other fences, for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates, made to open towards such adjoining lands, and not towards the railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Drains:

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

Watering

Also proper watering places for cattle, where by reason of the railway thre cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, and that the company may, in lieu of such accommodation works, make compensation to the owners and occupiers of the lands for the want thereof, in such manner as may be agreed upon between the company

and such owners and occupiers, nor to make any accommodation works with respect to which the owners, lessees, and occupiers of the lands shall have and protection of lands. agreed to receive and shall have been paid compensation instead of the making

Differences modation

Works for accommodation

LXI. IF any difference arise respecting the kind or number of any such as to accomaccommodation works, or the dimensions or sufficiency thereof, or respecting works to be the maintaining thereof, the same shall be determined by the sheriff or two sheriff or justices; and such sheriff or justices shall also appoint the time within which justices. such works shall be commenced and executed by the company.

LXII. IF for seven days next after the time appointed by such sheriff or Execution of justices for the commencement of any such works the company shall fail to works by commence such works, or having commenced shall fail to proceed diligently to defeath by execute the same in a sufficient manner, it shall be lawful for the party the company. aggrieved by such failure himself to execute such works or repairs; and the reasonable expences thereof shall be repaid by the company to the party by whom the same shall so have been executed; and if there be any dispute about such expences the same shall be settled by the sheriff or two justices : Provided always, that no such owner or occupier or other person shall obstruct or injure the railway, or any of the works connected therewith, for a longer time, nor use them in any other manner, than is unavoidably necessary for the execution or repair of such accommodation works.

LXIII. IF any of the owners or occupiers of lands affected by such railway Power to shall consider the accommodation works made by the company, or directed by owners of such sheriff or justices to be made by the company, insufficient for the commo-additional dious use of their respective lands, it shall be lawful for any such owner or accommodation occupier, at his own expence, to make such further works for that purpose as own expence. he shall think necessary, and as shall be agreed to by the company, or, in case of difference, as shall be authorized by the sheriff or two justices.

LXIV. IF the company so desire, all such last-mentioned accommodation Such works works shall be constructed under the superintendence of their engineer, and according to plans and specifications to be submitted to and approved by such engineer; nevertheless the owners or occupiers of lands shall not be entitled to superintenrequire either that plans should be adopted which would involve a greater dence of their expence than that incurred in the execution of similar works by the company, or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the company.

may, at the com-

LXV. THE company shall not be compelled to make any further or addi- Accommodational accommodation works for the use of owners and occupiers of land not to be adjoining the railway after the expiration of the prescribed period, or, if no required a ter period be prescribed, after five years from the opening of the railway for period, &c. public use.

LXVI. Until the company shall have made the bridges or other proper Owners to communications which they shall under the provisions herein or in the special to cross the Act, or any Act incorporated therewith, contained have been required to make railway until between lands intersected by the railway, and no longer, the owners and works are made. occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants, may at all times freely pass and repass, with carriages, horses, and other animals, directly (but not otherwise) across the part of the railway made in or

Works for accommodation and protection of lands.

through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

Materials, &c. to vest in company for purposes of prosecution.

LXVII. DURING the execution of any contract made with the company the works in course of being done under such contract, and all the materials of every description brought upon or near such works for the purpose of being used in the execution of such contract, shall, in all proceedings instituted by them for the purpose of protecting the same, or by the public prosecutor for the purpose of punishment on account of offences committed against the same, be held to be the property of the company.

Penalty on persons omitting to fasten gates.

LXVIII. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding forty shillings.

Branch railways.

Power to parties to make private branch railways communicating with the railway. 5 & 6 Vict. c. 55.

LXIX. AND be it enacted, that this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the better regulation of railways, and for the conveyance " of troops"; and the company shall, if required, at the expence of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,)

Restrictions and conditions. No such branch railway shall run parallel to the railway:

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all bye laws and regulations of the company from time to time made with respect to passing upon or crossing the railway and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches, according to the most approved plan adopted by the company, and under the direction of their engineer.

And with respect to mines lying under or near the railway, be it enacted as follows:

LXX THE company shall not be entitled to any mines of coal, ironstone, slate, or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

LXXI. If the owner, lessee, or occupier of any mines or minerals lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do, thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines, either wholly or partially, is likely to damage the works of the railway, and if the company be desirous that such mines or any parts thereof should be left unworked, and if they be willing to make compensation for such mines or minerals, or such parts thereof as they desire to be left unworked, they shall give notice to such owner, lessee, or occupier of such their desire, and shall in such notice specify the parts of the mines under the railway or works or within the distance aforesaid which they shall desire to be left unworked, and for which they shall be willing to make compensation; and in such case such owner, lessee, or occupier shall not work or get the mines or minerals comprised in such notice; and the company shall make compensation for the same, and for all loss or damage occasioned by the nonworking thereof, to the owner, lessee, and occupier thereof respectively; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

LXXII. IF before the expiration of such thirty days the company do not If company give notice of their desire to have such mines left unworked, and of their are not willing willingness to make such compensation as aforesaid, it shall be lawful for such pensation, owner, lessee, or occupier to work the said mines, or such parts thereof for owner may which the company shall not have agreed to pay compensation, up to the mines. limits of the mines or minerals for which they shall have agreed to make compensation, in such manner as such owner, lessee, or occupier shall think fit, for the purpose of getting the minerals contained therein; and if any damage Damage or obor obstruction be occasioned to the railway or works by the working or getting struction to railway caused of any such minerals which the company shall so have required to be left un- by improper worked, and for which they shall so have agreed to make compensation, the working to made good. same shall be forthwith repaired or removed, as the case may require, and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expence; and if such repair or removal be not forthwith done, or, if the company shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for

Working of mines.

Company not be entitled to minerals, unless expressly purc hased.

Mines lying mear the railway not to be worke if the compa make compessation for the

working to be

Working of mines.

Mining communications between mines lying on both sides of railway. the company to execute the same, and recover from such owner, lessee, or occupier the expence occasioned thereby, by action in any competent court.

LXXIII. If the working of any such mines or minerals under the railway or works, or within the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to be on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be prescribed not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

Company to make compensation for injury done to mines; LXXIV. THE company shall from time to time pay to the owner, lessee, or occupier of any such mines extending so as to be on both sides of the railway all such additional expences and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expences, the same shall be settled as in other cases of disputed compensation.

and also to owner, &c. of surface for damage caused by any airway or other work made necessary by the railway.

the

the lands lying over any such mines the working whereof shall have been so prevented as aforesaid, (and not being the owner, lessee, or occupier of such mines,) by reason of the making of any such airway or other work as aforesaid, which or any like work would not have been necessary to be made but for the working of such mines having been so prevented as aforesaid, the company shall make full compensation to such owner or occupier of the surface lands for the loss or damage so sustained by him.

LXXV. If any loss or damage be sustained by the owner or occupier of

Power to the company to enter and inspect the working of mines.

LXXVI. For better ascertaining whether any such mines are being worked or have been worked so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery connected with such mines belonging to the owner, lessee, or occupier of such mines, upon payment of the reasonable cost of using and working the same, and of any loss thereby occasioned to the working of the mines, or otherwise, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be.

LXX VII. IF any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall for every such refusal forfeit to the company a sum not exceed- allow inspecing twenty pounds.

LXXVIII. If it appear that any such mines have been worked contrary to the provisions of this or the special Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such supports or works, and to adopt such means as may be necessary or proper for making safe the railway, and preventing injury thereto; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works, and recover the expence thereof from such owner, lessee, or occupier, by action in any competent court.

And with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon, be it enacted as follows:

LXXIX. It shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special Act authorized to be taken by them.

LXXX. It shall be lawful for the company from time to time to enter into Company any contract with any other company, being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines, coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

LXXXI. Provided always, that no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies, parties to such contracts, shall for the time being be respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall, notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

LXXXII. NOTHING in this or the special Act contained shall extend to charge or make liable the company further or in any other case than where, according to the laws of Scotland, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage coach proprietors may

Working of

Penalty for refusal to tion.

If mines improperly worked, the company may require means to be adopted for securing the safety of the railway.

> Passengers and goods on railway

Company to employ loco motive power carriages, &

to contract with oth companie

Contract to affect persons parties

Company to be liab a greater extent tha common carriers.

Passengers and goods on railway.

be entitled to; but, on the contrary, the company shall at all tit to the benefit of every such protection and privilege.

LXXXIII. AND whereas it is expedient that the company sho to vary the tolls upon the railway so as to accommodate them

Power to vary tolls.

Tolls to be charged equally under like circumstances. stances of the traffic, but that such power of varying should a the purpose of prejudicing or favouring particular parties, or for of collusively and unfairly creating a monopoly, either in the company or of particular parties: It shall be lawful therefore for subject to the provisions and limitations herein and in the special to be taken, either upon the whole or upon any particular prailway, as they shall think fit; provided that all such tolls be charged equally to all persons, and after the same rate, whether mile or otherwise, in respect of all passengers, and of all goods the same description, and conveyed or propelled by a like carripassing only over the same portion of the line of railway uncircumstances; and no reduction or advance in any such tolls either directly or indirectly in favour of or against any particular person travelling upon or using the railway.

How tolls to be calculated for fractions of a mile where railways are amalgamated.

LXXXIV. AND whereas authority has been given by value Parliament to railway companies to demand tolls for the passengers and goods, and for other services, over a fraction of a the toll which they are authorized to demand for one mile: I that in cases in which any railway shall be amalgamated wadjoining railway or railways such tolls shall be calculated at such rates as if such amalgamated railways had originally form railway.

Railway to be free to all companies, &c. with properly constr ucted engines, &c. on payment of tolls;

LXXXV. It shall not be lawful for the company at any time take a greater amount of toll, or make any greater charge for t passengers or goods, than they are by this and the special Act demand; and upon payment of the tolls from time to time d companies and persons shall be entitled to use the railway, with carriages properly constructed as by this and the special Act din nevertheless to the provisions and restrictions of the said Act year of her present Majesty, intituled "An Act for the better "railways, and for the conveyance of troops," and to the reg from time to time made by the company by virtue of the pobehalf hereby and by the special Act conferred upon them.

subject to 5 & 6 Vict. c. 55. and the company's regulations.

LXXXVI. A list of all the tolls authorized by the special Ac and which shall be exacted by the company, shall be published being painted upon one toll board or more in distinct black letter ground, or white letters on a black ground, or by the same being being painted upon one toll board or more in distinct black letter ground, or white letters on a black ground, or by the same being ble characters on paper affixed to such board, and by such exhibited in some conspicuous place on the stations or places which shall be made payable.

Collection of tolls.

LXXXVII. THE company shall cause the length of the remeasured, and posts or other conspicuous objects to be set up an along the whole line thereof, at the distance of one quarter of each other, with numbers or marks inscribed thereon denoting su

List of tolls to be exhibited on boards at stations or places where payable. Milestones.

LXXXVIII. No tolls shall be demanded or taken by the company for the use of the railway during any time at which the boards herein-before directed to be exhibited shall not be so exhibited, or at which the milestones hereinbefore directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or milestone, he shall forfeit a sum not exceeding five pounds for every such

LXXXIX. The tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner and under such regulations, as the company shall, by notice to be annexed to the list of tolls, appoint.

XC. IF, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expences of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

XCI. Every person being the owner or having the care of any carriage or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of the number or quantity of goods conveyed by any such carriage. and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

XCII. IF any such owner or other such person fail to give such account, or Penalty for to produce his way-bill or bill of lading, to such collector or other officer or not giving servant of the company demanding the same, or if he give a false account, or lading, &c. if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundred weight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundred weight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

XCIII. IF any dispute arise concerning the amount of the tollis due to the Settlement of company, or concerning the charges occasioned by any detention or sale thereof to amount under the provisions herein or in the special Act contained, the same shall be of tolls settled by the sheriff or by two justices; and it shall be lawful for the company chargeable. in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

Collection of tolls.

Tolls to be

taken only hilst board exhibited and mailestones set up. Penalty for facing boards or milestones Tolls to be Paid as directed by the company.

In default of Payment of tolls, goods, &c. may be detained and sold ;

or tolls recovered by action.

Account of lading, &c. to be given.

Collection of tolls.

Differences as to weights, &c.

XCIV. If any difference arise between any toll collector or other officer or servant of the company and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to the sheriff or any two justices, on a summary application to him or them for that purpose, to have arisen from such detention.

Toll collector to be liable for wrongful detention of goods. XCV. If at any time it be made to appear to any such sheriff or justices, upon the complaint of the company, that any such detention, measuring, or examining of any carriage or goods, as herein-before mentioned, was without reasonable ground, or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage the same may be recovered by poinding and sale of the goods of such collector, and such sheriff or justices shall issue his or their warrant accordingly.

Penalty on passengers practising frauds on the company. XCVI. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding forty shillings.

Detention of offenders.

XCVII. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace officers, may lawfully apprehend and detain such person until he can conveniently be taken before the sheriff or some justice, or until he be otherwise discharged by due course of law.

No person to carry or require company to carry dangerous goods on railway. Penalty for sending such

XCVIII. No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package con-

taining the same, or otherwise giving notice in writing to the book-keeper or other servent of the company with whom the same are left, at the time of so sending, he shall forfeit to the company twenty pounds for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

XCIX. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling house, office, or other building, with its appurtenances, or any books, papers, or other natters belonging to the company in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then, upon pplication being made by the company to the sheriff or to any two justices. shall be lawful for such sheriff or justices to order any constable, with roper assistance, to enter upon such station or other building, and to remove ny person found therein, and to take possession thereof, and of any such ooks, papers, or other matters, and to deliver the same to the company, or ny person appointed by them for that purpose.

C. AND be it enacted, that the company shall every year cause an annual Annual count in abstract to be prepared, showing the total receipts and expenditure be made up, all funds levied by virtue of this or the special Act for the year ending on and a copy transmitted e thirty-first day of December or some other convenient day in each year, to the sheriff der the several distinct heads of receipt and expenditure, with a statement the balance of such account, duly audited and certified by the directors or

me of them, and by the auditors, and shall, if required, transmit a copy of e said account, free of charge, to the sheriff clerks of the counties through nich the railway shall pass, on or before the thirty-first day of January then xt; and the copy of such account shall be open to the inspection of the blic at all seasonable hours, on payment of the sum of one shilling for every ch inspection: Provided always, that if the said company shall omit to epare or transmit such account as aforesaid, if required so to do by any ch sheriff clerk, they shall forfeit for every such omission the sum of twenty

And with respect to the regulations of the use of the railway, be it enacted

follows:

CI. IT shall be lawful for the company from time to time, subject to the regulate the ovisions and restrictions in this and the special Act contained, to make regulaons for the following purposes; (that is to say,)

For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such

carriages; For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

goods by railway without giving notice to company. Company may refuse or imspect parcels.

Delivery of offices, books, &c. in Possession or custody of toll collector at removal, &c.

Bye Laws.

Company to

Bye Laws.

For preventing the smoking of tobacco, and the commission nuisance, in or upon such carriages, or in any of the station occupied by the company;

And generally for regulating the travelling upon or using ar the railway:

But no such regulation shall authorize the closing of the railway the passage of engines or carriages on the railway, at reasonable at any time when in consequence of any of the works being ou from any other sufficient cause, it shall be necessary to close that any part thereof.

Power to make regulations by bye laws, subject to 3 & 4 Vict. c. 97.

CII. For better enforcing the observance of all or any of su it shall be lawful for the company, subject to the provisions of in the fourth year of the reign of her present Majesty, intituled " regulating railways," to make bye laws, and from time to tim alter such bye laws, and make others, provided that such by repugnant to the laws of that part of the United Kingdom wh are to have effect, or to the provisions of this or the special A bye laws shall be reduced into writing, and shall have affixed the mon seal of the company; and any person offending against law shall forfeit for every such offence any sum not exceeding f be imposed by the company in such bye laws as a penalty offence; and if the infraction or non-observance of any such by such regulation as aforesaid be attended with danger or ann public, or hindrance to the company in the lawful use of the rai be lawful for the company summarily to interfere to obviate or danger, annoyance, or hindrance, and that without prejudice to incurred by the infraction of any such bye law.

Publication of such bye laws. CIII. The substance of such last-mentioned bye laws, when allowed according to the provisions of any Act in force regulating or confirmation of the same, shall be painted on boards, or print and pasted on boards, and hung up and affixed and continued or other conspicuous part of every wharf or station belonging to according to the nature or subject matter of such bye laws responds to give public notice thereof to the parties interested therestereby; and such boards shall from time to time be renewed a bye laws thereon, or any part thereof, shall be obliterated or destructed penalty imposed by any such bye law shall be recoverable unless that have been published and kept published in manner aforesaid.

Such bye laws to be binding on all parties. CIV. Such bye laws, when so confirmed, published, and aff binding upon and be observed by all parties, and shall be sufficient all persons acting under the same; and for proof of the public such bye laws it shall be sufficient to prove that a printed pap board, containing a copy of such bye laws, was affixed and manner by this Act directed, and in case of its being afterwards damaged then that such paper or board was replaced as soon as

Proof of publication.

CV. Where the company shall be authorized by the special Acrailway, or any part thereof, to any company or person, the lease t in pursuance of such authority shall contain all usual and prop

Leasing of railway.

might be.

Conditions to be contained in leases . 1845.

the part of the lessee for maintaining the railway, or the portion thereof executed in in prised in such lease, in good and efficient repair and working condition power to lease uring the continuance thereof, and for so leaving the same at the expiration the railway. f the term thereby granted, and such other provisions, conditions, obligations, and agreements as are usually inserted in leases of a like nature.

CVI. Such lease shall entitle the company or person to whom the same hall be granted to the free use of the railway or portion of railway comprised to be exercised herein, and during the continuance of any such lease all the powers and by the lessees. rivileges granted to and which might otherwise be exercised and enjoyed by ne company, or the directors thereof, or their officers, agents, or servants, by rtue of this or the special Act, with regard to the possession, enjoyment, and anagement of the railway, or of the part thereof comprised in such lease, d the tolls to be taken thereon, shall be exercised and enjoyed by the see, and the officers and servants of such lessee, under the same regulations restrictions as are by this or the special Act imposed on the company, and r directors, officers, and servants; and such lessee shall, with respect to the way comprised in such lease, be subject to all the obligations by this or the

nd with respect to the engines and carriages to be brought on the railway, enacted as follows:

ial Act imposed on the company.

VII. EVERY locomotive steam engine to be used on the railway shall, if it Engines to coal or other similar fuel emitting smoke, be constructed on the principle smoke. onsuming and so as to consume its own smoke; and if any engine be not nstructed the company or party using such engine shall forfeit five pounds very day during which such engine shall be used on the railway.

7III. No locomotive or other engine, or other description of moving Engines to r, shall at any time be brought upon or used on the railway unless the by the comhave first been approved of by the company; and within fourteen days pany, and certificate notice given to the company by any party desirous of bringing any such of approval e on the railway the company shall cause their engineer or other agent given. mine such engine, at any place within three miles distance from the railway, appointed by the owner thereof, and to report thereon to the company; within seven days after such report, if such engine be proper to be used e railway, the company shall give a certificate to the party requiring the of their approval of such engine; and if at any time the engineer or other Unfit engines of the company report that any engine used upon the railway is out of to be removed. , or unfit to be used upon the railway, the company may require the to be taken off, or may forbid its use upon the railway until the same have been repaired to the satisfaction of the company, and upon the e being so repaired the company shall give a certificate to the party ring the same of their approval of such engine; and if any difference of on arise between the company and the owner of any such engine as to tness or unfitness thereof for the purpose of being used on the railway, difference shall be settled by arbitration.

X. If any person, whether the owner or other person having the care Penalties on persons using improper ing power, without having first obtained such certificate of approval as engines. said, or if, after notice given by the company to remove any such engine the railway, such person do not forthwith remove the same, or if after VOL. IX.

Powers vested in the company

Carriagesand engines.



Carriages and engines.

notice given by the company not to use any such engine upon such person do so use such engine, without having first repaired the satisfaction of the company, and obtained such certificate of a such person shall in any of the cases aforesaid forfeit to the conot exceeding twenty pounds; and in any such case it shall be company to remove such engine from the railway.

Carriages to be constructed according to company's regulations.

CX. No carriage shall pass along or be upon the railway, (exceeding the same, as herein or by the special Act authorized, carriage be at all times, so long as it shall be used or shall remain way, of the construction and in the condition which the regular company for the time being shall require; and if any dispute the company and the owner of any such carriage as to the condition thereof, in reference to the then existing regulations of such dispute shall be settled by arbitration.

Regulations to be in writing, and to apply also to company's carriages. CXI. The regulations from time to time to be made by respecting the carriages to be used on the railway shall be drawn to and be authenticated by the common seal of the company, and shable alike to the carriages of the company and to the carriages of panies or persons using the railway; and a copy of such regulating demand, be furnished by the secretary of the company to any perfor the same.

Penalty on persons using improper carriages.

CXII. If any carriage, not being of such construction or in such as the regulations of the company for the time being require, be not be upon any part of the railway, (except as aforesaid,) the owner any person having for the time being the charge of such carriage, to the company a sum not exceeding ten pounds for every such of shall be lawful for the company to remove any such carriage from

Owner's name, &c. to be registered, and exhibited on carriages, if required.

CXIII. THE respective owners of carriages using the railway she entered with the secretary or other officer of the company at that purpose the names and places of abode of the owners of sucrespectively, and the numbers, weights, and gauges of their respectively, and such owners shall also, if so required by the company same particulars to be painted in legible characters on some consport the outside of every such carriage, so as to be always open to every such owner shall, whenever required by the company, per riage to be weighed, measured, or gauged at the expence of the company.

Owner to allow carriages to be weighed, &c.

CXIV. If the owner of any carriage fail to comply with the contained in the preceding enactment, it shall be lawful for the refuse to allow such carriage to be brought upon the railway, or to same therefrom, until such compliance.

On noncompliance carriage may be removed.

CXV. If the loading of any carriage using the railway be such liable to collision with other carriages properly loaded, or to be dangerous, or if the person having the care of any carriage or good railway suffer the same or any part thereof to remain on the railwobstruct the passage or working thereof, it shall be lawful for the cause such carriage or goods to be unloaded and removed in any man for preventing such collision or obstruction, and to detain such a goods, or any part thereof, until the expences occasioned by such removal, or detention be paid.

Carriages improperly loaded, or suffered to obstruct the way, may be unloaded or removed. CXVI. THE company shall not be liable for any damage or loss occasioned Company not by any such tholoading, removal, or detention as aforesaid, except for damage for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or except wilful detained; nor shall they be liable for the safe custody of any such carriage or unloading, goods so detained, unless the same be wrongfully detained by them, and &c. then only for so long a time as the same shall have been so wrongfully detained.

CXVII. THE respective owners of engines and carriages passing or being Owners of pon the railway shall be answerable for any damage done by their engines limble for r carriages, or by any of the servants or persons employed by them, to or by engines, &cpon the railway, or the machinery or works belonging thereto, or to or by servants. pon the property of any other person.

CXVIII. It shall be lawful for any owner of any engine or carriage who all pay the amount of any damage caused by the misfeasance or negligence any servant or other person employed by him to recover the amount so paid him from such servant or other person.

and with respect to the settlement of disputes by arbitration, be it enacted ollows:

XIX. WHEN any dispute directed by this or the special Act, or any Act Appointment rporated therewith, to be settled by arbitration shall have arisen, then, ss both parties shall concur in the appointment of a single arbiter, each tions are to y, on the request of the other party, shall nominate and appoint an arbiter by arbitration. hom such dispute shall be referred; and every appointment of an arbiter be made on the part of the company under the hand of the secretary or two of the directors of the company, and on the part of any other party

or the hand of such party, or if such party be a company or corporation r the hand of the proper officer or person authorized by such company or oration; and such appointment shall be delivered to the arbiter, and shall eemed a submission to arbitration on the part of the party by whom the shall be made; and after any such appointment shall have been made er party shall have power to revoke the same without the consent of the , nor shall the death of either party operate as such revocation; and if he space of fourteen days after any such dispute shall have arisen, and a request in writing, in which shall be stated the matters so required to ferred to arbitration, shall have been served by the one party on the party to appoint an arbiter, such last-mentioned party fail to appoint arbiter, then upon such failure the party making the request, and having elf appointed an arbiter, may appoint such arbiter to act on behalf of both es, and such arbiter may proceed to hear and determine the matters h shall be in dispute, and in such case the award or determination of such e arbiter shall be final.

XX. If before the matters so referred shall be determined any arbiter Vacancy of inted by either party die, or become incapable to act, the party by whom be supplied. arbiter was appointed may nominate and appoint in writing some other on to act in his place; and if for the space of seven days after notice in ing from the other party for that purpose he fail to do so, the remaining or r arbiter may proceed ex parte; and every arbiter so to be substituted as said shall have the same powers and authorities as were vested in the er arbiter at the time of such his death or incapacity as aforesaid.

BET Vante armounts paid for damage caused by their negligence. Arbitration.

be determined



Arbitration.

Appointment of oversman,

Lord ordinary to appoint an oversman, on neglect of arbiters.

In case of death of single arbiter, matter to begin de novo.

If either arbiter refuse to act, the other to proceed ex parte.

If arbiters fail to make their award within twentyone days, or prescribed time, the matter to go to the umpire.

Power of arbiters to call for books, &c.

Expences to be in the discretion of the arbiters,

Awards to be in writing, and recorded; CXXI. WHERE more than one arbiter shall have been apparbiters shall, before they enter upon the matters so referred to the and appoint by writing under their hands an oversman to decide matters on which they shall differ, or which shall be referred to this or the special Act; and if sucho versman shall die, or become act, they shall forthwith after such death or incapacity appoint an man in his place; and the decision of every such oversman on the which the arbiters shall differ shall be final.

CXXII. Ir in either of the cases aforesaid the said arbiters she shall for seven days after request of either party to such arbitration appoint an oversman, the lord ordinary, on the application of eit such arbitration, shall appoint an oversman; and the decision of man on the matters on which the arbiters shall differ, or whereferred to them under this or the special Act, shall be final.

CXXIII. If when a single arbiter shall have been appointed shall die or become incapable to act before he shall have made his matters referred to him shall be determined by arbitration, under sions of this or the special Act, in the same manner as if such arbitration appointed.

CXXIV. If where more than one arbiter shall have been apper of the arbiters refuse or for seven days neglect to act, the other proceed ex parte, and the decision of such arbiter shall be as effect had been the single arbiter by both parties.

CXXV. If where more than one arbiter shall have been apply where neither of them shall refuse or neglect to act as aforesaid, shall fail to make their award within twenty-one days after the days the last of such arbiters shall have been appointed, or within such time as shall have been appointed for that purpose by both strunder their hands, the matters referred to them shall be determined to be appointed as aforesaid.

CXXVI. The said arbiters or their oversman may call for the property any documents in the possession or power of either party which may think necessary for determining the question in dispute examine the parties or their witnesses on oath, and administed necessary for that purpose, and may also grant diligence for the such documents as either party may require, or for citing witness application to the lord ordinary letters of supplement, or such of may be necessary, shall be issued by the lord ordinary in supp diligence.

CXXVII. EXCEPT where by this or the special Act, or any Act is therewith, it shall be otherwise provided, the expences of and attended arbitration, to be determined by the arbiters, including the recording the decreet arbitral or award in the books of council and of furnishing extracts thereof from the said books, shall be in the determined by the arbitrary or the oversman, as the case may be.

CXXVIII. THE arbiters or oversman, as the case may be, shall decreet arbitral or award in writing, and shall cause the same to in the books of council and session; and extracts of decreets awards so recorded shall make faith in all courts and cases in like

c original decreets arbitral or awards themselves, except where the originals e offered to be improven.

CXXIX. No award made in respect to any question referred to arbitration Award not to nder the provisions of this or the special Act shall be set aside for irregularity r error in matter of form.

CXXX. AND be it enacted, that any summons or notice, or any writ or Service of ther proceeding at law, requiring to be served upon the company, may be company. erved by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CXXXI. And be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such lastmentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defender, by leave of the court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to justices, be it enacted as follows:

CXXXII. In all cases where any damages, charges, or expences are by this r the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and letermined by the sheriff; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after lemand, the amount may be recovered by poinding and sale of the goods of the company or other party liable as aforesaid; and the sheriff shall, on pplication, issue his warrant accordingly.

CXXXIII. If sufficient goods of the company cannot be found whereon to evy any such damages, charges, or expences payable by the company, the same may, if the amount thereof do not exceed twenty pounds, be recovered by poinding and sale of the goods of the reasurer of the company; and the sheriff, on application, shall issue his warrant accordingly; but no such poinding and sale shall be executed against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress or poinding and sale as aforesaid, he may retain the amount so paid by him, and all expences occasioned thereby, out of any money belonging to the company coming into his custody or control, or he may sue the company for the same.

CXXXIV. WHERE in this or the special Act, or any Act incorporated Method of therewith, any question of damages, charges, expences, or other matter, is

Tender of amends.

Payment int court.

> Recover damages @ > 2 penalties.

Provision Fo ascertain of damages otherwise provided for

Enforcem by poindi and sale.

Pointing as sale again treasurer_

Notice to treasurer_

Reimbursement of treasurer_

proceeding before the

Recovery of damages and penalties.

sheriff or justices in questions of damages, &c. referred to the determination of any sheriff or justices, it shall be lawful the sheriff or any justice, upon the application of either party, to order other party to appear before such sheriff if the order shall be issued by sheriff, or before two justices if the order shall have been issued by a just at a time and place to be named in such summons; and upon the appear of such parties, or in the absence of any of them, upon proof of due servithe summons, it shall be lawful for such sheriff or such two justices, a case may be, to hear and determine such question, and for that purpovexamine such parties or any of them, and their witnesses, on oath; an expences of every such inquiry shall be in the discretion of such sherifustices, and he or they shall determine the amount thereof.

Publication of penalties.

CXXXV. THE company shall publish the short particulars of the sev offences for which any penalty is imposed by this or the special Act, or Act incorporated therewith, or by any bye law of the company affect other persons than the shareholders, officers, or servants of the company, of the amount of every such penalty, and shall cause such particulars to painted on a board, or printed upon paper and pasted thereon, and cause such board to be hung up or affixed on some conspicuous part of principal place of business of the company, and where any such penaltic of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are apply or have reference; and such particulars shall be renewed as often as the or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published manner herein-before required.

Penalty for defacing boards used for such publication. CXXXVI. If any person pull down or injure any board put up or affirequired by this or the special Act, or any Act incorporated therewith, a purpose of publishing any bye law or penalty, or shall obliterate any letters or figures thereon, he shall forfeit for every such offence a su exceeding five pounds, and shall defray the expences attending the restor of such board.

Penalties to be summarily recovered before the sheriff or two justices.

CXXXVII. EVERY penalty or forfeiture imposed by this or the special or by any bye law made in pursuance thereof, the recovery of which otherwise provided for, may be recovered by summary proceeding befor sheriff or two justices; and on complaint being made to any sheriff or j he shall issue an order, requiring the party complained against to appear h himself if the order be issued by a sheriff, or before two or more justices if order be issued by a justice, at a time and place to be named in such or and every such order shall be served on the party offending, either in po or by leaving the same with some inmate at his usual place of abode upon the appearance of the party complained against, or in his absence proof of the due service of such order, it shall be lawful for any sheriff of justices to proceed to the hearing of the complaint; and upon proof o offence, either by the confession of the party complained against, or upo oath of one credible witness or more, it shall be lawful for such sheri justices to convict the offender, and upon such conviction to adjudge offender to pay the penalty or forfeiture incurred, as well as such expe attending the conviction as such sheriff or justices shall think fit.

EXXXVIII. IF forthwith upon any such adjudication as aforesaid the ount of the Penalty or forfeiture, and of such expences as aforesaid, be not id, the amount of such penalty and expences shall be levied by poinding Penalties d sale; and such sheriff or justices, or either of them, shall issue his or their arrant of poinding and sale accordingly.

CXXXIX. It shall be lawful for any such sheriff or justices to order any Impressionment fender so convicted as aforesaid to be detained and kept in safe custody until sufficient turn can be conveniently made to the warrant of pointing and sale to be pointing. ued for levying such penalty or forfeiture and expences, unless the offender e sufficient security, by way of recognizance or otherwise, to the satisfaction he sheriff or justices, for his appearance before him or them on the day ointed for such return, such day not being more than eight days from the of taking such security; but if before issuing such warrant of poinding sale it shall appear to the sheriff or justices, by the admission of the der or otherwise, that no sufficient pointing and sale can be had within jurisdiction of such sheriff or justices whereon to levy such penalty or ture and expences, he or they may, if he or they think fit, refrain from ng such warrant; and in such case, or if such warrant shall have been d, and upon the return thereof such insufficiency as aforesaid shall be made ppear to the sheriff or justices, then such sheriff or justices shall, by ant. cause such offender to be committed to gaol, there to remain without or any term not exceeding three months, unless such penalty or forfeiture xpences be sooner paid and satisfied.

L. WHERE in this or the special Act, or any Act incorporated therewith, Poinding and um of money, whether in the nature of penalty or otherwise, is directed be made. levied by pointing and sale, such sum of money shall be levied by ing and sale of the goods and effects of the party liable to pay the and the overplus arising from the sale of such goods and effects, satisfying such sum of money, and the expences of the poinding and hall be returned, on demand, to the party whose goods shall have been

Recovery of damages and penalties.

may be levied by poinding and sale.

LI. No poinding and sale made by virtue of this or the special Act, or Poinding not ct incorporated therewith, shall be deemed unlawful, nor shall any party want of form, the same be deemed a trespasser or wrongdoer, on account of any &c. or want of form in the summons, conviction, warrant, or other proceeding thereto, but all persons aggrieved by such defect or irregularity may full satisfaction for the special damage in an action before the sheriff

LII. THE sheriff or justices by whom any such penalty or forfeiture shall Application posed, where the application thereof is not otherwise provided for, may not more than one half thereof to the informer, and shall award the nder to the kirk session, or treasurer or collector of the funds for the poor, parish in which the offence shall have been committed, for the benefit of oor of such parish.

LIII. No person shall be liable to the payment of any penalty or Penalties to ture imposed by virtue of this or the special Act, or any Act incorporated be sued for within six with, for any offence made cognizable before the sheriff or justices, months.

Recovery of damages and penalties.

Damage to be made good in addition to penalty. unless the complaint respecting such offence shall have been sheriff or some justice within six months next after the coroffence.

CXLIV. IF, through any act, neglect, or default, on accordingly.

Penalty on witnesses making default.

CXLV. It shall be lawful for any sheriff or justice to summappear before him as a witness in any matter in which such or two or more justices shall have jurisdiction under the prothe special Act, or any Act incorporated therewith, at a time tioned in such summons, and to administer to him an oath to in such matter; and if any person so summoned shall, we excuse, refuse or neglect to appear at the time and place appurpose, having been paid or tendered a reasonable sum for lany person appearing shall refuse to be examined upon oath or before such sheriff or justice or justices, every such person so not exceeding five pounds for every such offence.

Transient offenders.

CXLVI. It shall be lawful for any officer or agent of the persons called by him to his assistance, to seize and detain shall be found committing any offence against the provision special Act, or any Act incorporated therewith, and whose national shall be unknown to such officer or agent, and convey him with despatch before the sheriff or a justice, without any warre thority than this or the special Act; and such sheriff or just with all convenient despatch in the matter of the complet offender.

Proceedings by sheriff need not be in writing.

CXLVII. Any sheriff to whom any application is author and before whom any judicial proceeding shall in consequen become necessary under or by virtue of this or the special Ac corporated therewith, shall and he is hereby authorized and reto call before him all parties who appear to him to be interest to proceed forthwith to hear viva voce, and pronounce judgm matters mentioned in such application or proceedings, or t matters and things required by this Act to be done by him, the ordinary course of the roll of causes before him, and pleadings or a written record, or reducing any evidence whic either of the parties to writing, unless and except where the consider that the matters mentioned in such application or with more advantage be decided with written pleadings an record, in which case he shall proceed to make up a record, as matters to a conclusion with all convenient despatch; and judgments of the said sheriff when pronounced without a rec and conclusive, and not subject to review by suspension or advocation, or to

reduction, on any ground whatever.

CXLVIII. THE sheriff or justice or justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incor-conviction. porated therewith, may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

Recovery of damages and penalties.

CXLIX. No proceeding in pursuance of this or the special Act, or any Act Proceedings incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

quashed for want of form, &c.

CL. In all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings Power of shall have been allowed, and a written record shall have been made up, and appeal from where the evidence which has been led by the parties shall have been reduced substitute to to writing, but in no other case whatever, it shall be competent for any of the sterisfi of parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county, or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute and whole process, and, if he think proper, hear the parties vivâ voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocation, or to reduction, on any ground whatever.

Appeal.

CLI. IF any party shall feel aggrieved by any determination or adjudication Parties allowed of any justices with respect to any matter under the provisions of this or the from justices special Act, or any Act incorporated therewith, he may, unless otherwise to quarter specially provided, appeal to the general quarter sessions for the county or giving security. place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of uch appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

CLII. At the quarter sessions for which such notice shall be given the Court to court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the they think hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the expences, both of the adjudication and of the appeal, as they may think reasonable.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

Access to special Act.

CLIII. THE company shall at all times after the expiration of six months Copies of after the passing of the special Act keep in their principal office of business a to be kept and

Access to special Act. deposited, and allowed to

be inspected.

7 Will. 4. & 1 Vict. c. 83.

Penalty on company failing to keep or deposit Act. copy of the special Act, printed by the printers to her Majesty them; and shall also within the space of such six months deposit of each of the sheriff clerks of the several counties into which the extend a copy of such special Act, so printed as aforesaid; and the clerks shall receive, and they and the company respectively sha said copies of the special Act, and shall permit all persons interest the same, and make extracts or copies therefrom, in the like manner the like terms and under the like penalty for default as is precase of certain plans and sections by an Act passed in the first reign of her present Majesty, intituled "An Act to compel clerks " for counties and other persons to take the custody of such a "shall be directed to be deposited with them under the standist either House of Parliament."

CLIV. If the company shall fail to keep or deposit, as herein tioned, any of the said copies of the special Act, they shall for pounds for every such offence, and also five pounds for every deduring which such copy shall be not so kept or deposited.

SCHEDULE referred to by the foregoing Act.

FORM of conviction before

BE it remembered, that on the day of in the Lord AB. is convicted before me C., the sher us D., E., two of her Majesty's justices of the peace] for the peace, [here describe the offence generally, a and place when and where committed], contrary to the [here name Act]. Given under my hand [or under our hands], the day are above written.

CHAPTER XXXV.

An Acr to simplify the Form and diminish the Expence of obtainment in Heritable Property in Scotland. [21st

W HEREAS it is expedient to simplify the form and diminish of obtaining infeftment in heritable property in Scotland: fore enacted by the Queen's most excellent Majesty, by and with and consent of the lords spiritual and temporal, and commons, in Parliament assembled, and by the authority of the same, that from the first day of October in the present year one thousand eight forty-five it shall not be necessary to proceed to the lands in what to be given, or to perform any Act of infeftment thereon, but sas

How sasine to be given in future in lands in Scotland, effectually given therein and infeftment obtained by producing to a notary public the warrants of sasine and relative writs, as now in use to be produced at taking infeftment, and by expeding and recording in the general register of sasines, or the particular register of sasines applicable to the lands contained in the warrant of infeftment, in manner herein-after directed, an instrument of sasine, setting forth that sasine had been given in the said lands, and subscribed by the said notary public and witnesses, according to the form and as nearly as may be in the terms of schedule (B.) herete annexed; and such form of infeftment shall be effectual, whether the lands lie contiguous or discontiguous, or are held by the same or by different titles, or of one or more superiors, or whether the deed entitling the party to obtain infeftment be dated prior or subsequent to the present Act, or whether the precept of sasine therein be in the form heretofore in use, or in the form authorized by the present Act.

II. And be it enacted, that from and after the said first day of October Instruments every such instrument of sasine shall be recorded in manner heretofore in use be entered with regard to instruments of sasine, and the keepers of the registers of sasines and recorded. are hereby required to receive and register the same accordingly; and such instrument of sasine, being so recorded, shall in all respects have the same effect as if sasine had been taken and an instrument of sasine duly recorded according to the law and practice heretofore in use.

III. And be it enacted, that from and after the said first day of October May be reevery such instrument of sasine may be competently and effectually recorded time, but the at any time during the life of the party in whose favour such instrument has date of the been expede, but the date of presentment and entry set forth on any such be the date of instrument by the keeper of the record shall be taken to be the date of the the infeftment. instrument of sasine and infeftment.

IV. AND be it enacted, that in case of any error or defect in any such In case of instrument of sasine, or in the recording thereof, it shall be competent of new fect, another to make and record an instrument of sasine, which shall have effect from the instrument date of the recording thereof, as if no previous instrument or instruments had corded. been made or recorded.

V. And be it enacted, that in all deeds containing a precept of sasine such Forms of the precept may be in the form and as nearly as may be in the terms of the instrument schedule (A.) hereto annexed, and the instrument of sasine on any such deed of sasine. shall be in the form and as nearly as may be in the terms of the said schedule (B.) hereto annexed, which precepts and instruments of sasine respectively shall be as valid and effectual as the precepts and instruments of sasine heretofore in use.

VII. AND whereas it is not hereby intended to make any alterations in the law with regard to instruments of sasine and instruments of cognition and sasine of subjects held burgage, or by any similar mode of tenure known and effectual in law, excepting as after specified: Be it enacted, that the forms and Forms, &c. modes of registration of these instruments shall continue the same as at present, of burgage excepting only that the same shall be valid and effectual, if attested by the continue as town clerk as a notary, without the addition of his docquet, and by the except as herein witnesses, and that the delivery of symbols may lawfully be given, either on specified.

the ground of the subjects as heretofore, or within the council c burgh by delivery of a pen.

Instruments of resignation ad remanentiam regulated.

VIII. AND be it enacted, that instruments of resignation ac shall be written in the same form as at present, but it shall be u the notary public to adhibit his long docquet to such instrument that all resignations ad remanentiam may be accepted by the su or on his behalf, by his known agent for the time, or by any p formal commission for that purpose.

Instruments of resignation in favorem

abolished.

Proviso.

IX. And whereas instruments of resignation in favorem, as se ments intended merely to connect the procuratory with the ch nation, are now rarely used in practice, and are wholly unnecessary enacted, that from and after the said first day of October the sam are hereby abolished: Provided always, that the deduction of by the Act of the Parliament of Scotland made in the year on hundred and ninety-three, intituled "Act anent procuratories " and precepts of seisin," to be made in such instruments, shall the date of this Act be made in the charter of resignation.

Interpretation of terms.

X. And be it enacted, that in the construction of this Act the " public" shall be held to mean a notary public in Scotland and practising there; the word "deed" shall be held to includ or document upon which sasine may follow; and the word " words "heritable property," shall be held to include houses, minerals, patronages, teinds, and in general all heritable subjec which infeftment may be taken; and all words in the singular be held to include a plurality of persons or things; and in ger shall be construed in the most liberal manner, so as to accompli thereby intended.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM of Precept of Sasine.

Moreover I desire any notary public to whom these present sented to give to the said A.B. or his foresaids sasine [or life-r sasine in life-rent and fee respectively, as the case may be, of others above disponed, [if the deed be granted under the burden of servitude, or any other incumbrance, condition, or qualification o under redemption, then there will be added here, "but always und " of the real lien," &c. (as the case may be) before specified] whereof, &c. [here insert a testing clause in legal form].

SCHEDULE (B.)

FORM of Instrument of Sasine.

there was, by or on behalf of A.B. presented to me, notary public subscribing, a disposition for oth

extract of a deed (as the case may be)], granted by C.D. of Y., esquire, and bearing date as in the precept of sasine herein-after inserted, [here describe also connecting deed or writ, or extract thereof, in virtue of which the sasine is to be given to A.B.] by which disposition the said C.D. sold, alienated, and disponed to the said A.B. [or, to E.F. (as the case may be)] and his heirs and assignees, [here insert the destination, if any,] heritably and irredeemably, [or redeemably, or in life-rent, or otherwise, (as the case may be,)] all and whole Libere insert the description of the subjects conveyed; and if the disposition by C.D. was not to A.B. himself, but is vested in him as assignee, heir, or adjudger, or otherwise, in whole or in part, state the successive transferences, and the way in which he has right thereto, which disposition contains an obligation to infeft [here state whether a se or de se, or both or either (as the case may be),] and a precept of sasine in the following terms [here insert the precept, which may be either according to the form at present in use, or according to the abbreviated form in schedule (A.)], in virtue of which precept I hereby give sasine [or life-rent sasine, or sasine in life-rent and fee respectively] to the said A.B. of the lands and others above described. [If the precept of sasine contains a reference to a real burthen, or to any conditions or qualifications of the right, or to a power of redemption, then add, "but always under "the burden of the real right, &c. before specified."]

In witness whereof I have subscribed these presents, written on this and the preceding pages by G.H., my clerk, before these witnesses, the said G.H. and J.K., accountant in Edinburgh.

L.M., Notary Public. (Signed)

G.H., Witness. J.K., Witness.

CHAPTER XXXVII.

An Act to regulate the Issue of Bank Notes in Ireland, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of Ireland for the Public Service. [21st July 1845.]

HEREAS by an Act passed in the Parliament of Ireland in the twentyfirst and twenty-second years of the reign of his Majesty King George the Third, intituled "An Act for establishing a bank by the name of the 21 8226. " governors and company of the Bank of Ireland," it was amongst other things enacted, that from and after the passing of that Act it should not be lawful for any body politic or corporate erected or to be erected, other than the corporation thereby intended to be created and erected into a national bank, or for any other persons whatsoever united or to be united in covenants or partnership exceeding the number of six persons, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less it sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, under a penalty or forfeithment than six months from the borrowing thereof, under a penalty or forfeiture by such persons, bodies politic or corporate, of treble the sum or sums so to be such persons, bodies politic or corporate, of treble the sum or sums so to be such bill or bills note or notes, one sums so to be borrowed or taken upon such bill or bills, note or notes, one moiety that be borrowed or taken upon such bill or bills, note or notes, one moiety thereof to be paid to the informer, and the other to the use of his Majesty him to be paid to the informer, and the other to the use of his Majesty, his heirs and successors, to be recovered by action of debt, bill, plaint or informat: heirs and successors, to be recovered by action of debt, bill, plaint. or information, in any of his Majesty's courts of record at Dublin: And

(I.) c.

1 & 2 Geo. 4. c. 72.

whereas, in pursuance of the powers in the said Act of Parliament a charter of incorporation was granted to certain persons, by the na governor and company of the Bank of Ireland: And whereas passed in the first and second years of the reign of his Majesty K the Fourth, intituled "An Act to establish an agreement with the " and company of the Bank of Ireland for advancing the sum of fi " thousand pounds Irish currency, and to empower the said go " company to enlarge the capital stock or fund of the said Ban " million pounds," it was enacted, that it might be lawful for any persons in Ireland united or to be united in society or partnership, as and having their establishments in houses of business at any place no fifty miles distant from Dublin, to borrow, owe, or take up any sur of money on their bills or notes payable on demand, and to mak such notes or bills accordingly, payable on demand at any place exceeding the distance of fifty miles from Dublin, all the individuals such societies or partnerships being liable and responsible for the du of such bills or notes; but nothing therein contained was to extend strued to extend to authorize any persons exceeding six in numl bodies politic or corporate, residing or having their establishment o business within the distance of fifty miles from Dublin, to make or bill or bills of exchange, or any promissory note or notes, contrary visions of the said in part recited Act of the twenty-first and twe years of the reign of King George the Third: And whereas by a passed in the sixth year of the reign of his Majesty King George t intituled "An Act for the better regulation of copartnerships " bankers in Ireland," and by another Act passed in the first y reign of his late Majesty King William the Fourth, intituled ". " explain two Acts of his present Majesty, for establishing an agree " the governor and company of the Bank of Ireland for advancing " five hundred thousand pounds Irish currency, and for the better " of copartnerships of certain bankers in Ireland," such coparts bankers established at places beyond the distance of fifty miles fr were authorized to transact certain matters of business by agents in

6 Geo. 4. c. 42.

11 Geo. 4. & 1 Will. 4. c. 32.

48 Geo. 3. c. 103.

within the distance of fifty miles thereof: And whereas the said go company at different times advanced, for the public service, to 1 King George the Third, the several sums of six hundred thousand T hundred thousand pounds, and one million two hundred and fift pounds, late Irish currency, and in respect thereof the said governo pany were entitled to certain annuities payable at the receipt of the in Dublin: And whereas by an Act passed in the forty-eighth year of of his said Majesty King George the Third, intituled "An Act " extending the provisions of several Acts for establishing the Bank " and for empowering the governor and company of the said Bank " the sum of one million two hundred and fifty thousand pounds Iris " towards the service of the year one thousand eight hundred and eig amongst other things enacted, that at any time after the first day in the year of our Lord one thousand eight hundred and 'thirty-s twelve months notice, to be published in the Dublin Gazette by o lord lieutenant or other chief governor or governors of Ireland

corporation of the Bank was to be dissolved; and upon repayment by Parliament to the said governor and company of the Bank of Ireland, or their Successors, of the said several sums of six hundred thousand pounds, five hundred thousand pounds, and one million two hundred and fifty thousand Pounds, and also of all arrears of the several annuities payable in respect of the said three several capital sums, if any such arrear should then be due, or at any time previous to the said first day of January one thousand eight hundred and thirty-seven, upon like repayment by and with the desire and consent of the said governor and company, to be signified by them by their Petition in writing sealed with their common seal, and addressed to the lord lieutenant or other chief governor or governors of Ireland for the time being, then and in such case the said several annuities should, from and after the expiration of twelve months after such notice published, cease and determine, and the said corporation should be dissolved: And whereas in pursuance of the said recited Act passed in the first and second years of the reign of his Majesty King George the Fourth, intituled "An Act to establish an agreement " with the governor and company of the Bank of Ireland for advancing the " sum of five hundred thousand pounds Irish currency, and to empower the said governor and company to enlarge the capital stock or fund of the said Bank to three millions," the said governor and company of the Bank of Ireland advanced for the public service, to his Majesty King George the Fourth, the sum of five hundred thousand pounds late Irish currency, at interest, making, with the said three several sums of six hundred thousand pounds, five hundred thousand pounds, and one million two hundred and fifty thousand pounds, late Irish currency, previously advanced, the sum of two million eight hundred and fifty thousand pounds, equal to two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eight-pence sterling money of the United Kingdom of Great Britain and Ireland: And whereas by an Act passed in the third and fourth years of the reign of her present Majesty, intituled "An Act to regulate the 3 & 4 Vict. repayment of certain sums advanced by the governor and company of the c. 75. Bank of Ireland for the public service," it was amongst other things enacted, that from and after the passing of the said Act there should be paid and payable, but subject to the condition of redemption therein-after contained, at the receipt of her Majesty's Exchequer in Dublin, to the governor and company of the said Bank of Ireland, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, an interest or annuity of one hundred and fifteen thousand three hundred and eighty-four pounds twelve shillings and four-pence, money of the United Kingdom, being a sum equal to the several annuities and interest theretofore payable in respect of the principal money due to the said governor and company as aforesaid, by two equal halfyearly payments, without any defalcation or abatement, on the fifth day of January and the fifth day of July in each year, the first payment of the said interest or annuity to be made on the fifth day of January in the year one thousand eight hundred and forty-one; and it was by the last-mentioned Act turther provided, that the said last-mentioned annuity should be redeemable t any time after the first day of January one thousand eight hundred and orty-one, on six months notice to the said governor and company, and payment to them of the said several sums of six hundred thousand pounds.

1 & 2 Geo. 4. C - 72.

five hundred thousand pounds, one million two hundred and fifty pounds, and five hundred thousand pounds, late Irish currency, tog all arrears of the said annuity of one hundred and fifteen thou hundred and eighty-four pounds twelve shillings and four-pence: A the last-mentioned annuity has, by consent of the said governor and been reduced to an annuity of ninety-two thousand and seventyeighteen shillings and five-pence of British currency: And wh expedient that the exclusive privilege of banking granted to the sai and company by the said recited Act of the Parliament of Ireland, other Act or Acts of Parliament now in force, should cease, but the governor and company should continue a corporation, with full authority to carry on the business of bankers, subject to the herein-after contained; and the said governor and company of th Ireland have agreed to continue the management in Ireland of so m public debt of the United Kingdom as shall for the time being rec transacted in Ireland, and of all loans and other creations of stock v at any time be made in Ireland, and of any public annuities for l years which may be payable in Ireland, free of all charge and expe ever for such management, or for their trouble in the payment of t of the said public debt or annuities from time to time during the co of the said corporation under the provisions of this Act; and it further agreed that the said governor and company shall continue the said annuity of ninety-two thousand and seventy-six pound shillings and five-pence, being an annual interest at and after the ra and a half per centum per annum, for and in respect of the said capi two million six hundred and thirty thousand seven hundred and pounds four shillings and eight-pence, and that the repayment of mentioned sum shall be postponed till the expiration of six months a to be given by the commissioners of her Majesty's Treasury of t Kingdom of Great Britain and Ireland to the said governor and c their intention to pay off the same, or by the said governor and c the said commissioners of her Majesty's Treasury requiring paymen such notice not to be given by either party before the first day of Ja thousand eight hundred and fifty-five: And whereas by an Act pa seventh and eighth years of the reign of her Majesty, intituled ". " regulate the issue of bank notes, and for giving to the governor " pany of the Bank of England certain privileges for a limited perienacted, that from and after the passing of that Act no person, otl banker who on the sixth day of May one thousand eight hundred four was lawfully issuing his own bank notes, should make or issue in any part of the United Kingdom: And whereas it is expedient the issue of bank notes by the said governor and company of th Ireland, and by such other bankers as are now by law authorize bank notes in Ireland: Be it therefore enacted by the Queen's mos Majesty, by and with the advice and consent of the lords spiritual and and commons, in this present Parliament assembled, and by the a the same, that from and after the sixth day of December one thousand eig and forty-five so much of the said recited Act of the Parliament of Ire twenty-first and twenty-second years of the reign of his Majesty King Third as prohibits any body politic or corporate erected or to be erected,

7 & 8 Vict. c. 32. s. 10.

21 & 22 Geo. 8. (I). c. 16. repealed in part.

the governor and company of the Bank of Ireland, or for any other persons whatsoever united or to be united in covenants or partnership exceeding the number of six persons, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, shall be and the same is hereby repealed; and that from and after the said sixth day of December one thousand eight hundred and forty-five [Rep., Stat. Law Rev. Act, 1875. it shall and may be lawful for any persons exceeding six in number Banking counited or to be united in societies or partnerships, or for any bodies politic or corporate, to transact or carry on the business of bankers in Ireland at Dublin, carry on and at every place within fifty miles thereof, as freely as persons exceeding Dublin or six in number united as aforesaid may lawfully carry on the same business at within 50 miles any place in Ireland beyond the distance of fifty miles from Dublin: Provided always, that every member of any such society, partnership, bodies politic or Members to be corporate, shall be liable and responsible for the due payment of all the debts liable. and liabilities of the corporation or copartnership of which such person shall be a member, any agreement, covenant, or contract to the contrary notwithstanding.

partnerships, &c. may husiness in

individually

II. And be it enacted, that from and after the passing of this Act the repay- Repayment of ment of the said sum of two million six hundred and thirty thousand seven advanced by hundred and sixty-nine pounds four shillings and eight-pence shall be and the Bank of same is hereby made chargeable upon the consolidated fund of the United public service Kingdom of Great Britain and Ireland until Parliament shall otherwise provide, charged on and there shall be paid and payable, but subject to the condition of redemption herein-fund, &c. after contained, at the receipt of her Majesty's Exchequer in Dublin, to the governor and company of the said Bank of Ireland, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, in respect of the said capital sum of two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eight-pence so now due by the public to the said governor and company, the aforesaid annuity of ninety-two thousand and seventy-six pounds eighteen shillings and five-pence, being an interest or annuity at and after the rate of three pounds ten shillings per centum per annum, in the now lawful currency of the United Kingdom, by two equal half-yearly payments, without any defalcation or abatement, on the fifth day of January and the fifth day of July in each year. [Rep., 28 & 29 Vict. c. 16. s. 1.]

IV. And be it enacted, that at any time after the first day of January Bank of which will be in the year of our Lord one thousand eight hundred and fiftyfive, upon twelve months notice, to be published in the Dublin Gazette by on 12 months order of the lord-lieutenant or other chief governor or governors of Ireland, of January that the said corporation of the Bank is to be dissolved, and upon repayment 1855, and by Parliament to the said governor and company of the Bank of Ireland, or capital sum their successors, of the said sum of two million six hundred and thirty thou- advanced, sand seven hundred and sixty-nine pounds four shillings and eight-pence, of annuity. together with all arrears of interest or annuity due in respect thereof, then and in such case the said interest or annuity shall, from and after the expiration of twelve months after such notice published, cease and determine, and the said corporation shall be dissolved.

VI. AND whereas by an Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act for 3 & 4 Will. " giving to the corporation of the governor and company of the Bank of " England certain privileges for a limited period, under certain conditions," it was enacted, that from and after the first day of August one thousand eight hundred and thirty-four, unless and until Parliament should otherwise direct, a tender of a note or notes of the governor and company of the Bank of

England, expressed to be payable to bearer on demand, should to the amount expressed in such note or notes, and should be as a tender to such amount for all sums above five pounds of which any tender of money may be legally made, so long England should continue to pay on demand their said not provided always, that no such note or notes should be deen of payment by the governor and company of the Bank of branch bank of the said governor and company: And whe arisen as to the extent of the said enactment: For removenacted and declared, that nothing in the said last-recited A extend or be construed to extend to make the tender of a no governor and company of the Bank of Éngland a legal to Provided also, that nothing in this Act shall be construed circulation in Ireland of the notes of the governor and compose England as heretofore

Bank of England notes not a legal tender in Ireland.

Proviso.

Oaths to be taken by directors, &c. of the Bank of Ireland.

VII. And be it enacted, that from and after the passing of not be necessary for any governor, deputy governor, or dir-Bank, before acting in the said several offices or trusts, to m the declaration pursuant to the Act of Parliament passed i Ireland, intituled "An Act to prevent the further growth of take any other oaths than the oath of allegiance, the oath of possession of stock, and the oath of fidelity to the corporation, by the charter of incorporation of the governor and company and that it shall not be necessary for any member of the before voting in any general court, to make and subscri declaration, not to take any other oaths than the oaths oath of qualification by the possession of stock, and the to the said corporation, provided in the said charter of inc vided always, that in case any of the persons called Qual time be chosen governor, deputy governor, or director, or sha member of the said corporation, it shall be sufficient for such to make his or their solemn affirmation, to the purport and e prescribed by the said charter and by this Act to be tak deputy governors, directors, or members respectively of the s

Bankers
claiming to
be entitled to
issue bank
notes in
Ireland to give
notice to
commissioners
of stamps
and taxes.
Commissioners
to certify

Commissioners to certify existing banks of issue and limitation of issue. VIII. And be it enacted, that every banker claiming to be bank notes in Ireland shall, within one month next after the Act, give notice in writing to the commissioners of stamps a head office in London, of such claim, and of the place and mand under which such banker has issued such notes in Ireland next preceding the first day of May one thousand eight hundred and thereupon the said commissioners shall ascertain if such he sixth day of May one thousand eight hundred and forty-four, up to the first day of May one thousand eight hundred and forty the business of a banker, and lawfully issuing his own bank and if it shall so appear, then the said commissioners shall prothe average amount of the bank notes of such banker which we during the said period of one year preceding the first day of Meight hundred and forty-five, according to the returns made be pursuance of the Act passed in the fourth and fifth years of

present Majesty, intituled "An Act to make further provisions relative to the 4 & 5 Vict. " returns to be made by banks of the amount of their notes in circulation"; and the said commissioners, or any two of them, shall certify under their hands to such banker the average amount, when so ascertained as aforesaid, omitting the fractions of a pound, if any; and it shall be lawful for every such Such banks banker to continue to issue his own bank notes after the sixth day of December one thousand eight hundred and forty-five, to the extent of the amount so certified, and of the amount of the gold and silver coin held by such banker, in the proportion and manner herein-after mentioned, but not to any further extent; and from and after the sixth day of December one thousand eight hundred and forty-five it shall not be lawful for any banker to make or issue bank notes in Ireland, save and except only such bankers as shall have obtained such certificate from the commissioners of stamps and taxes.

may continue

Prohibition of issue by uncertified bankers.

Provision for banks united lst May, 1845.

IX. Provided always, and be it enacted, that if it shall be made to appear to the commissioners of stamps and taxes that any two or more banks have, within 12 by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united within the year next preceding such first day of May one thousand eight hundred and forty-five, it shall be lawful for the said commissioners to ascertain the average amount of the notes of each such bank in the manner herein-before directed, and to certify a sum equal to the average amount of the notes of the two or more banks so united as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

X. And be it enacted, that the commissioners of stamps and taxes shall, at Duplicate of the time of certifying to any banker such particulars as they are herein-before certificate to be published in required to certify, also publish a duplicate of their certificate thereof in the the Gazette. next succeeding Dublin Gazette in which the same may be conveniently inserted; and the Gazette in which such publication shall be made shall be Gazette to be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker, as herein provided.

XI. AND be it enacted, that in case it shall be made to appear to the com- In case banks missioners of stamps and taxes, at any time hereafter, that any two or more united, combanks have, by written contract or agreement, (which contract or agreement missioners to shall be produced to the said commissioners,) become united subsequently to the passing of this Act, it shall be lawful to the said commissioners, upon the bank notes application of such united bank, to certify, in manner herein-before mentioned, which each bank was the aggregate of the amount of bank notes which such separate banks were authorized previously authorized to issue under the separate certificates previously united bank delivered to them, and so from time to time; and every such certificate shall may issue be published in manner herein-before directed; and from and after such the aggregate amount. publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker, as herein provided.

certify the amount of to issue; and

XII. And be it enacted, that it shall be lawful for any banker in Ireland Banks entitled who under the provisions of this Act is entitled to issue bank notes to contract to the privilege

notes may agree with Bank of Ireland to relinquish the same; And issue of Bank of Ireland may thereupon be increased.

Banks relinquishing not to resume the

Limitation of bank notes which bankers may have in circulation.

Issue of notes for fractional parts of a pound prohibited.

Issuing banks to render accounts weekly of notes in circulation, and of coin held;

and to strike averages every four weeks. and agree with the governor and company of the Bank of agreement in writing, for the relinquishment of the privilege notes in favour of the said governor and company; and in eacopy of such agreement shall be transmitted to the commission and taxes; and the said commissioners shall thereupon cert herein before mentioned, the aggregate of the amount of bank in Bank of Ireland and the banker with whom such agreement is made were previously authorized to issue under the separate viously delivered to them; and every such certificate shall be manner herein-before directed; and from and after such amount therein stated shall be the limit of the amount of bathe governor and company of the Bank of Ireland may have exclusive of an amount equal to the amount of the gold and by the Bank of Ireland, as herein provided.

XIII. AND be it enacted, that it shall not be lawful for a shall have so agreed to relinquish the privilege of issuing bar time thereafter to issue any such notes.

XIV. AND be it enacted, that from and after the sixth day of thousand eight hundred and forty-five it shall not be lawful for Ireland to have in circulation, upon the average of a period of be ascertained as herein-after mentioned, a greater amount of amount composed of the sums certified by the commissioners taxes as aforesaid, and the monthly average amount of gold held by such banker during the same period of four weeks, to in manner herein-after mentioned.

XV. And be it enacted, that all bank notes to be issued Ireland after the sixth day of December one thousand eight hun five shall be expressed to be for payment of a sum in pounds s any fractional parts of a pound; and if any banker in Ireland after that day make, sign, issue, or re-issue any bank note for part of a pound sterling, or for any sum together with the fract pound sterling, every such banker so making, signing, issuin any such note as aforesaid shall for each note so made, signer-issued forfeit or pay the sum of twenty pounds.

XVI. And be it enacted, that every banker who after the December one thousand eight hundred and forty-five shall issue Ireland shall, on some one day in every week after the thire December one thousand eight hundred and forty-five, (such day the commissioners of stamps and taxes,) transmit to the said of just and true account of the amount of bank notes of such banker at the close of the business on the next preceding Saturday, distincted of five pounds and upwards, and the notes below five per an account of the total amount of gold and silver coin held by each of the head offices or principal places of issue in Ireland at the close of business on each day of the week ending on that also an account of the total amount of gold and silver coin in I such banker at the close of business on that day; and on comperiod of four weeks, and so on completing each successive period every such banker shall annex to such account the average a

notes of such banker in circulation during the said four weeks, distinguishing the bank notes of five pounds and upwards, and the notes below five pounds, and the average amount of gold and silver coin respectively held by such banker at each of the head offices or principal places of issue in Ireland of such banker during the said four weeks, and also the amount of bank notes which such banker is, by the certificate published as aforesaid, authorized to issue under the provisions of this Act; and every such account shall be verified Accounts to by the signature of such banker or his chief cashier, or in the case of a company schedule (A.) or partnership by the signature of the chief cashier or other officer duly authorized by the directors of such company or partnership, and shall be made in the form to this Act annexed marked (A.); and if any such banker shall neglect or refuse to render any such account in the form and at the time required by this Act, or shall at any time render a false account, such banker shall forfeit the sum of one hundred pounds for every such offence.

XVII. And be it enacted, that all bank notes shall be deemed to be in What shall circulation from the time the same shall have been issued by any banker, or be deemed to be bank notes any servant or agent of such banker, until the same shall have been actually in circulation. returned to such banker, or some servant or agent of such banker.

XVIII. And be it enacted, that from the returns so made by each banker Commissioners to the commissioners of stamps and taxes the said commissioners shall, at the make monthly end of the first period of four weeks after the said sixth day of December returns in form one thousand eight hundred and forty-five, and so at the end of each successive in schedule (B.) period of four weeks, make out a general return in the form to this Act annexed marked (B.) of the monthly average amount of bank notes in circulation of each banker in Ireland during the last preceding four weeks, and of the average amount of all the gold and silver coin held by such banker during the same period, and certifying, under the hand of any officer of the said commissioners duly authorized for that purpose, in the case of each such banker, whether such banker has held the amount of coin required by law during the period to which the said return shall apply, and shall publish the same in the next succeeding Dublin Gazette in which the same can be conveniently inserted.

XIX. AND be it enacted, that for the purpose of ascertaining the monthly Mode of average amount of bank notes of each banker in circulation, the aggregate of the average the amount of bank notes of each such banker in circulation at the close of amount of the business on the Saturday in each week during the first complete period bank notes of of four weeks next after the sixth day of December one thousand eight circulation, hundred and forty-five shall be divided by the number of weeks, and the during each average so ascertained shall be deemed to be the average of bank notes of period of four each such banker in circulation during such period of four weeks, and so in 6th December each successive period of four weeks; and the monthly average amount of 1845. gold and silver coin respectively held as aforesaid by such banker shall be ascertained in like manner from the amount of gold and silver coin held by such banker at the head offices or principal places of issue of such banker in Ireland, as after mentioned, at the close of business on such day in each week; and the monthly average amount of bank notes of each such banker in circulation during any such period of four weeks is not to exceed a sum made up by adding the amount certified by the commissioners of stamps and taxes as

aforesaid and the monthly average amount of gold and silver coin h such banker as aforesaid during the same period.

What shall be taken in the account of coin held by any banker, in respect of which notes may be issued.

Silver coin not to exceed the proportion of one quarter of gold.

Commissioners of stamps and taxes may cause the books of bankers, containing accounts of their bank notes in circulation, and of coin held, to be

inspected.

Penalty for refusing to allow such inspection.

XX. AND be it enacted, that in taking account of the coin held banker in Ireland with respect to which bank notes to a further exten the sum certified as aforesaid by the commissioners of stamps and taxe under the provisions of this Act, be made and issued, there shall be in only the gold and silver coin held by such banker at the several head or principal places of issue in Ireland of such banker, such head off principal places of issue not exceeding four in number, of which not than two shall be situated in the same province; and every banker sha notice in writing to the said commissioners, on or before the sixth December next, of such head offices or principal places of issue at whi account of gold and silver coin held by him is to be taken as aforesaid no amount of silver coin exceeding one fourth part of the gold coin h such banker as aforesaid shall be taken into account, nor shall any ban authorized to make and issue bank notes in Ireland on any amount of coin held by such banker exceeding the proportion of one fourth part gold coin held by such banker as aforesaid.

XXI. AND whereas, in order to ensure the rendering of true and f accounts of the amount of bank notes in circulation, and the amount of and silver coin held by each banker, as directed by this Act, it is ne that the commissioners of stamps and taxes should be empowered to ca books of bankers issuing such notes, and the amount of gold and silv held by such bankers as aforesaid, to be inspected as herein-after ment Be it therefore enacted, that all and every the book and books of any who shall issue bank notes under the provisions of this Act, in which s kept, contained, or entered any account, minute, or memorandum of or r to the bank notes issued or to be issued by such bank, of or relating amount of such notes in circulation from time to time, or of or relating gold or silver coin held by such banker from time to time, or any a minute, or memorandum the sight or inspection whereof may tend to the rendering of true accounts of the average amount of such notes in lation and gold or silver coin held as directed by this Act, or to test th of any such account, shall be open for the inspection and examination seasonable times of any officer of stamp duties authorized in that bel writing signed by the commissioners of stamps and taxes, or any two or and every such officer shall be at liberty to take copies of or extracts from such book or account as aforesaid, and to inspect and ascertain the am any gold or silver coin held by such banker; and if any banker o person keeping any such book, or having the custody or possession the power to produce the same, shall, upon demand made by any such showing (if required) his authority in that behalf, refuse to produce as book to such officer for his inspection and examination, or to permit inspect and examine the same, or to take copies thereof or extracts the or of or from any such account, minute, or memorandum as aforesaid contained, or entered therein, or if any banker or other person have custody or possession of any coin belonging to such banker shall re permit or prevent the inspection of such gold and silver coin as at every such banker or other person so offending shall for every such for feit the sum of one hundred pounds: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the commissioners of her Majesty's Treasury.

XXII. And be it enacted, that every banker in Ireland, other than the Bank of Ireland, who is now carrying on or shall hereafter carry on business as such, shall, on the first day of January in each year, or within fifteen days thereafter, make a return to the commissioners of stamps and taxes, at their office in Dublin, of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every Person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker shall omit or refuse to make such return within fifteen days after the said first day of January, or shall wilfully make other than a true return of the persons as herein required, every banker so offending shall forfeit or pay the sum of fifty pounds; and the said commissioners of stamps and taxes shall on or before the first day of March in every year publish in the Dublin Gazette a copy of the return so made by every banker.

All bankers in Ireland to return their names, &c. once a year to the stamp office in Dublin.

Returns to be Published.

Penalty on banks issuing in excess.

XXIII. And be it enacted, that if the monthly average circulation of bank notes of any banker, taken in the manner herein directed, shall at any time exceed the amount which such banker is authorized to issue and to have in circulation under the provisions of this Act, such banker shall in every such case forfeit a sum equal to the amount by which the average monthly circulation, taken as aforesaid, shall have exceeded the amount which such banker was authorized to issue and to have in circulation as aforesaid.

XXIV. And be it enacted, that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of any sum or sums of money, or any orders, notes, or undertakings in writing, being negotiable or transferable, for the delivery of any goods, specifying their value in money, less than the sum of twenty shillings in the whole, heretofore made or issued or which shall hereafter be made or issued in Ireland, shall from and after the first day of January one thousand eight hundred and forty-six be and the same are hereby declared to be absolutely void and of no effect, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding; and that if any person or persons shall after the first day of January one thousand eight hundred and forty-six, by any art, device, or means whatsoever, publish or utter in Ireland any such notes, bills, drafts, or engagements as aforesaid, for a less sum than twenty shillings, or on which less than the sum of twenty shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in Ireland, every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds, at the discretion of the justice of the peace who shall hear and deter mine such offence.

Notes for less than 20s. not negotiable in Ireland.

IXXV. AND be it enacted, that all promissory or other notes, bills change, or drafts, or undertakings in writing, being negotiable or trans

E So much of this Act as prohibits the drawing, making, and issuing, or restrains aposes any Penalty for or on account of the publishing, uttering, or negotiating

Promissory of bills at notes, are, are

negotiable, for 20s. and above, and less than 5l., to be drawn in certain form. ferable, for the payment of twenty shillings, or any sum of money ab sum and less than five pounds, or on which twenty shillings, or ab sum and less than five pounds, shall remain undischarged, and which issued within Ireland at any time after the first day of January one t eight hundred and forty-six, shall specify the names and places of about persons respectively to whom or to whose order the same shall be ma able, and shall bear date before or at the time of drawing or issuing and not on any day subsequent thereto, and shall be made payable wi space of twenty-one days next after the date thereof, and shall not be ferable or negotiable after the time hereby limited for payment the that every endorsement to be made thereon shall be made before the tion of that time, and to bear date at or not before the time of thereof, and shall specify the name and place of abode of the person or to whom or to whose order the money contained in every such n draft, or undertaking is to be paid; and that the signing of every su bill, draft, or undertaking, and also of every such endorsement, attested by one subscribing witness at the least; and which said no of exchange, or drafts, or undertakings in writing, may be made or d words to the purport or effect as set out in the schedules to this Act marked (D.) and (E.); and that all promissory or other notes, bills of e or drafts, or undertakings in writing, being negotiable or transferable payment of twenty shillings, or any sum of money above that sum than five pounds, or in which twenty shillings, or above that sum than five pounds, shall remain undischarged, and which shall be i Ireland at any time after the said first day of January one thousa hundred and forty-six in any other manner than as aforesaid, and a endorsement on any such note, bill, draft, or other undertaking to be no under this Act, other than as aforesaid, shall and the same are hereby to be absolutely void, any law, statute, usage, or custom to the thereof in anywise notwithstanding; provided that nothing in th contained shall be construed to extend to any such bank notes as lawfully issued by any banker in Ireland authorized by this Act to the issue of bank notes.

Penalty on persons, other than bankers hereby authorized, issuing notes payable on demand for less than 5*l*.

XXVI. AND be it enacted, that if any body politic or corporate person or persons shall from and after the said first day of Januthousand eight hundred and forty-six make, sign, issue, or re-issue in any promissory note payable on demand to the bearer thereof for any money less than the sum of five pounds, except the bank notes bankers as are hereby authorized to continue to issue bank notes as a then and in either of such cases every such body politic or corporate of

Ireland of any promissory or other note (not being a note payable to demand), bill of exchange, draft, or undertaking in writing, being negotiable ferable, for the payment of twenty shillings or above that sum and less pounds, or on which twenty shillings or above that sum and less than five por remain undischarged, made, drawn, or endorsed in any other manner than is by this Act, or which requires or directs that all such notes, bills, drafts, or takings as aforesaid which shall be issued in Ireland, shall be made, drawn, or according to the forms contained in the schedules to this Act, rep., 27 & 28 Vs. 1. (temp.)

or persons so making, signing, issuing, or re-issuing any such promissory note as aforesaid, except as aforesaid, shall for every such note so made, signed, issued, or re-issued forfeit the sum of twenty pounds.

[XXVII.4] AND be it enacted, that if any body politic or corporate or Penalty on person or persons shall from and after the passing of this Act publish, utter, than bankers or negotiate in Ireland any promissory or other note (not being the bank note hereby authorized of a banker hereby authorized to continue to issue bank notes), or any bill of exchange, draft, or undertaking in writing, being negotiable or transferable, for the payment of twenty shillings, or above that sum and less than five exchange, &c. pounds, or on which twenty shillings, or above that sum and less than five transferable, for payment of pounds, shall remain undischarged, made, drawn, or endorsed in any other 200s. or above manner than as is herein-before directed, every such body politic or corporate or person or persons so publishing, uttering, or negotiating any such promissory or other note (not being such bank note as aforesaid), bill of exchange, draft, or undertaking in writing as aforesaid, shall forfeit and pay the sum of twenty pounds.

uttering or notes, bills of and less than 5%.

XXVIII. PROVIDED always, and be it enacted, that nothing herein con- Act not to tained shall extend to prohibit any draft or order drawn by any person on his checks of banker, or on any person acting as such banker, for the payment of money held bankers. by such banker or person to the use of the person by whom such draft or order shall be drawn.

XXIX. And be it enacted, that all pecuniary penalties under this Act may Mode of be sued or prosecuted for and recovered for the use of her Majesty, in the name of enforcing her Majesty's attorney general or solicitor general in Ireland, or of the solicitor of stamps in Ireland, or of any person authorized to sue or prosecute for the same by writing under the hands of the commissioners of stamps and taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information, in the Court of Exchequer in Dublin, or by civil bill in the court of the recorder, chairman, or assistant barrister within whose local jurisdiction any offence shall have been committed, in respect of any such penalty, or, in respect of any penalty not exceeding twenty pounds, by information or complaint before one or more justice or justices of the peace in Ireland, in such and the same manner as any other penalties imposed by any of the laws now in force relating to the duties under the management of the commissioners of stamps; and it shall be lawful in all cases for the commissioners of stamps and taxes, either before or after any proceedings commenced for recovery of any such penalty, to mitigate or compound any such penalty, as the said commissioners shall think fit, and to stay any such proceedings after the same shall have been commenced, and whether judgment may have been obtained for such penalty or not, on payment of part only of any such penalty, with or without costs, or on payment only of the costs incurred in such proceedings, or of any part thereof, or on such other terms as such commissioners shall judge reasonable: Provided always, that in no such proceeding as aforesaid shall any essoign, protection, wager of law, nor more than one imparlance, be allowed; and all pecuniary penalties imposed by or incurred under this Act, by whom or in whose name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the use of her Majesty, and shall be

Application

deemed to be and shall be accounted for as part of her Majesty's revenue a from stamp duties, any thing in any Act contained, or any law or use the contrary in anywise notwithstanding:

Banking companies within 50 miles of Dublin may sue and be sued in the names of their officers,

in manner provided as to companies beyond that distance by 6 Geo. 4. c. 42.

Returns, &c. to be made under

that Act.

Interpretation of terms.

XXX. AND be it enacted, that after the passing of this Act every co or copartnership of more than six persons established before the passing Act, for the purpose of carrying on the trade or business of bankers with distance of fifty miles from Dublin, shall have the same powers and pri of suing and being sued, and of presenting petitions to found sequestrati fiats in bankruptcy, in the name of any one of the public officers of such pany or copartnership, as the nominal plaintiff, petitioner, or defenda behalf of such company or copartnership, as are provided with resp companies carrying on the said trade or business at any place in I exceeding the distance of fifty miles from Dublin, under the provisions Act passed in the sixth year of the reign of King George the Fourth, in " An Act for the better regulation of copartnerships of certain bank " Ireland"; and all judgments, decrees, and orders made and obtained action, suit, or other proceeding brought, instituted, or carried on by or a any such company or copartnership carrying on business within the di of fifty miles from Dublin, in the name of their public officer, shall ha same effect and operation, and may be enforced in like manner in all re as is provided in and by the last-mentioned Act with respect to the judg decrees, and orders therein mentioned; provided that every such comp copartnership as last aforesaid shall make out and deliver from time to to the commissioners of stamps and taxes the several accounts or r required by the last-mentioned Act; and all the provisions of the mentioned Act as to such accounts or returns shall be taken to apply accounts or returns so made out and delivered by the said last-men companies, as if they had been originally included in the provisions last-mentioned Act.

XXXII. And be it enacted, that the term "bank note" used in the shall extend and apply to all bills or notes for the payment of money bearer on demand; and that the term "banker" shall, when the Ba Ireland be not specially excepted, extend and apply to the governor and pany of the Bank of Ireland, and to all other corporations, societies, paships, and persons, and every individual person carrying on the busin banking, whether by the issue of bank notes or otherwise; and that the "coin" shall be construed to mean the coin of this realm; and that the "person" used in this Act shall include corporations; and that the sin number used in this Act shall include the plural number, and the plural number, except where there is any thing in the context repugnant to construction; and that the masculine gender in this Act shall include feminine, except where there is any thing in the context repugnant to construction.

SCHEDULES referred to in the foregoing Act.

				-				
	Se	CHEDU	LE (A.))				
Name and title set for	th in licence			_				Bank.
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Head offices or princip	- - al -le seg of	igeno						11.00
onces or princip	oar praces or	issue						Place,
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			-	[otal	-	- 6		-
A =						-		
Amount of Gold and Issue at the close o	Silver Coin f business or	held a n	t the l	nead O	ffice or	princ	ipal P	lace of
	Head at	Office	Head at	Office	Head at	Office	Head at	Office
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver,	Gold.	Silver.
Monday the Tuesday the Wednesday the Thursday the Friday the Saturday the					·			
Total amount of Coday of Gold Silver	- -	e close 18 .	of bus - £	,	n Satı	ırday t	he	
2.1.		l	- Ē					
[To be inserted in Amount of Notes as Average amount of during the four waverage amount of four weeks	uthorized by Notes in civeeks ending Coin held du	certific irculati as abovering the iring the	eate - on \ \mathcal{L} ve \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	5 and nder £ Gold Silve Tota	upwar 25 l er ll - shier.	- £ ds £ - £ - £ - £ director	F. Or a	artne
as the case may be	. do hereby c	ertity,	that th	ie abov	'e 18 a	true ac	count	of 41
notes in Circulation,	and of the c	oin he	ld by t	he said	ı bank	, as re	quire	l und
the Act 8 and 9 Vi	ct. c							
Dated this	1 . "			igned)_				
Dawu UN18	day of		18 .					

SCHEDULE (B.)

Average amount of Coin held during four weeks ending	Total. Gold. Silver. Total.	
erage ar i held du eks endi	Silver.	
of Coir	Gold.	
during g the	Total.	10-11
Average circulation during four weeks ending the	Under £5.	
Average four we	£5 and upwards.	
Circ	by Certificate,	
Head Office or principal Place of	Issue.	
Name of the Firm.		
Name and Title, as set	forth in the Licence.	

SCHEDULE (D.) [1]

[Year] [Place] [Day] [Month]

Twenty-one days after date I promise to pay A.B of [place], or his order, , for value the sum of received by

Witness, E.F.

C.D.

And the Endorsement, totics quoties. [Day] [Month] [Year]

Pay the contents to G.H. of [place], or his order. Witness, J.K.

A.B.

SCHEDULE (E.) [*]

[Place] [Month] [Day] [Year]

Twenty-one days after date pay to A.B. of [place], or his order, the sum , value received, as advised of by

To E.F. of [place]. Witness, G.H.

C.D.

And the Endorsement, totics quoties. [Day] [Month] [Year]

Pay the contents to J.K. of [place], or his order. Witness, L.M.

A.B.

CHAPTER XXXVIII.

An Act to regulate the Issue of Bank Notes in Scotland.

[21st July 1845.]

HEREAS by an Act made and passed in the eighth year of the reign of her Majesty, intituled "An Act to regulate the issue of bank notes, and 7 & 8 Vict. " for giving to the governor and company of the Bank of England certain c. 32. s. 10. " privileges for a limited period," it was enacted, that from and after the passing of that Act no person, other than a banker who on the sixth day of May one thousand eight hundred and forty-four was lawfully issuing his own bank notes, should make or issue bank notes in any part of the United Kingdom: And whereas it is expedient to regulate the issue of bank notes by such bankers as are now by law authorized to issue the same in Scotland: Bankers Be it therefore enacted by the Queen's most excellent Majesty, by and with claiming to be entitled the advice and consent of the lords spiritual and temporal, and commons, in to issue bank this present Parliament assembled, and by the authority of the same, that land to give every banker claiming to be entitled to issue bank notes in Scotland shall, notice to within one month next after the passing of this Act, give notice in writing to of stamps the commissioners of stamps and taxes, at their head office in London, of such and taxes. claim, and of the place and name and firm at and under which such banker

commissioners

Commissioners to certify existing banks of issue and limitation of issue.

4 & 5 Viet. c. 50.

Such banks may continue to issue.

Prohibition of issue by uncertified banks.

Provision for banks united within 12 months before 1st May, 1845.

Duplicate of certificate to be published in the Gazette.

Gazette to be evidence.

In case banks become united, commissioners to certify the amount of

has issued such notes in Scotland during the year next preceding the of May one thousand eight hundred and forty-five; and thereupon commissioners shall ascertain if such banker was on the sixth day of thousand eight hundred and forty-four, and from thence up to the fir May one thousand eight hundred and forty-five, carrying on the bus banker and lawfully issuing his own bank notes in Scotland, and if it appear, then the said commissioners shall proceed to ascertain the averag of the bank notes of such banker which were in circulation during period of one year preceding the first day of May one thousand eight and forty-five, according to the returns made by such banker in p of the Act passed in the fourth and fifth years of the reign of he Majesty, intituled "An Act to make further provision relative to the " to be made by banks of the amount of their notes in circulation"; said commissioners, or any two of them, shall certify under their hand banker the average amount when so ascertained as aforesaid, omit fractions of a pound, if any; and it shall be lawful for every such b continue to issue his own bank notes after the sixth day of Decen thousand eight hundred and forty-five, to the extent of the amount so and of the amount of gold and silver coin held by such banker at office or principal place of issue of such banker, in the proportion and herein-after mentioned, but not to any further extent; and from and sixth day of December one thousand eight hundred and forty-five it be lawful for any banker to make or issue bank notes in Scotland, except only such bankers as shall have obtained such certificate commissioners of stamps and taxes.

II. PROVIDED always, and be it enacted, that if it shall be made to the commissioners of stamps and taxes that any two or more banks written contract or agreement, (which contract or agreement shall be to the said commissioners,) become united within the year next preceding the day of May one thousand eight hundred and forty-five, it shall for the said commissioners to ascertain the average amount of the note such bank in the manner herein-before directed, and to certify a sum the average amount of the notes of the two or more banks so unit amount which the united bank shall thereafter be authorized to issue to the regulations of this Act.

III. AND be it enacted, that the commissioners of stamps and taxe the time of certifying to any banker such particulars as they are here required to certify, also publish a duplicate of their certificate thereonext succeeding London Gazette in which the same may be convinserted; and the Gazette in which such publication shall be made conclusive evidence in all courts whatsoever of the amount of bank not the banker named in such certificate or duplicate is by law authorized and to have in circulation as aforesaid, exclusive of an amount equation monthly average amount of the gold and siver coin held by such be herein provided.

IV. And be it enacted, that in case it shall be made to appear to the missioners of stamps and taxes, at any time hereafter, that any two banks have, by written contract or agreement, (which contract or agreement, become united subsequently).

the passing of this Act, it shall be lawful to the said commissioners, upon the bank notes application of such united bank, to certify in manner herein-before mentioned bank was the aggregate of the amount of bank notes which such separate banks were authorized to issue. previously authorized to issue under the separate certificates previously united bank delivered to them, and so from time to time; and every such certificate shall may issue be published in manner herein-before directed; and from and after such amount. publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such bank, as herein provided.

V. And be it enacted, that all bank notes to be issued or re-issued in Issue of notes Scotland shall be expressed to be for payment of a sum in pounds sterling, parts of a without any fractional parts of a pound; and if any banker in Scotland shall from and after the sixth day of December one thousand eight hundred and forty-five make, sign, issue, or re-issue any bank note for the fractional part of a pound sterling, or for any sum together with the fractional part of a pound sterling, every such banker so making, signing, issuing, or re-issuing any such note as aforesaid shall for each note so made, signed, issued, or re-issued forfeit or pay the sum of twenty pounds.

pound pro-

VI. AND be it enacted, that from and after the sixth day of December one Limitation of thousand eight hundred and forty-five it shall not be lawful for any banker in Scotland to have in circulation, upon the average of a period of four weeks, to may have in be ascertained as herein-after mentioned, a greater amount of notes than an amount composed of the sum certified by the commissioners of stamps and taxes as aforesaid, and the monthly average amount of gold and silver coin held by such banker at the head office or principal place of issue of such banker during the same period of four weeks, to be ascertained in manner herein-after mentioned.

which bankers

VII. And be it enacted, that every banker who after the sixth day of Issuing banks December one thousand eight hundred and forty-five shall issue bank notes in accounts Scotland shall, on some one day in every week after the thirteenth day of weekly of December one thousand eight hundred and forty-five, (such day to be fixed by notes in circulation, and of the commissioners of stamps and taxes,) transmit to the said commissioners a coin held; just and true account of the amount of bank notes of such banker in circulation at the close of the business on the next preceding Saturday, distinguishing the notes of five pounds and upwards, and the notes below five pounds, and also an account of the total amount of gold and silver coin held by such banker at the head office or principal place of issue in Scotland of such banker at the close of business on each day of the week ending on the same Saturday, and also an account of the total amount of gold and silver coin in Scotland held by such banker at the close of business on that day; and on completing the first and to strike period of four weeks, and so on completing each successive period of four averages every weeks, every such banker shall annex to such account the average amount of bank notes of such banker in circulation during the said four weeks, distinguishing the bank notes of five pounds and upwards and the notes below five pounds, and the average amount of gold and silver coin respectively held by such banker at the head office or principal place of issue in Scotland of such banker during the said four weeks, and also the amount of bank notes which such banker is, by the certificate published as aforesaid in the London

Accounts to be in form in schedule (A.) Gazette, authorized to issue under the provisions of this Act account shall specify the head office or principal places of iss such banker, and shall be verified by the signature of such be cashier, or in case of a company or partnership by the signal cashier or other officer duly authorized by the directors of a partnership, and shall be made in the form to this Act annex and if any such banker shall neglect or refuse to render any the form and at the time required by this Act, or shall at a false account, such banker shall forfeit the sum of one hun every such offence.

What shall be deemed to be bank notes in circulation. VIII. AND be it enacted, that all bank notes shall be circulation from the time the same shall have been issued by any servant or agent of such banker, until the same shall have returned to such banker, or some servant or agent of such banker. IX. AND be it enacted, that from the returns so made b

Commissioners of stamps and taxes to make monthly returns in form in schedule (B.)

the commissioners of stamps and taxes the said commissioners of the first period of four weeks after the said sixth day of thousand eight hundred and forty-five, and so at the end of period of four weeks, make out a general return in the f annexed marked (B.) of the monthly average amount of circulation of each banker in Scotland during the last precede and of the average amount of all the gold and silver coin held and certifying, under the hand of any officer of the said con authorized for that purpose, in the case of each such banker

banker has held the amount of coin required by law during

Mode of ascertaining the average amount of bank notes of each banker in circulation, and coin held, during each period of four weeks after 6th December 1845.

which the said return shall apply, and shall publish the sa succeeding London Gazette in which the same can be convenient X. And be it enacted, that for the purpose of ascertaini average amount of bank notes of each banker in circulation, the amount of bank notes of each such banker in circulation the business on Saturday of each week during the first comple weeks next after the sixth day of December one thousand eig forty five shall be divided by the number of weeks, and the a tained shall be deemed to be the average of bank notes of each circulation during such period of four weeks, and so in each s of four weeks; and the monthly average amount of gold respectively held as aforesaid by such banker shall be asc manner from the amount of gold and silver coin held by such head office or principal place of issue in Scotland of such bar of business on Saturday in each week during the same p monthly average amount of bank notes of each such banks

In taking the account of coin held by bankers, in respect of which notes

Such banker as aforesaid during the same period.

XI. And be it enacted, that in taking account of the coin he banker as aforesaid with respect to which bank notes to a further the sum certified as aforesaid by the commissioners of stamps under the provisions of this Act, be made and issued, no amount

during any such period of four weeks is not to exceed a su adding the amount certified by the commissioners of stamp aforesaid and the monthly average amount of gold and silv

exceeding one fourth part of the gold coin held by such banker as aforesaid may be issued, shall be taken into account, nor shall any banker be authorized to make and silver coin not to exceed issue bank notes in Scotland on any amount of silver coin held by such banker the proportion exceeding the proportion of one fourth part of the gold coin held by such of gold. banker as aforesaid.

of one fourth

XII. And whereas, in order to ensure the rendering of true and faithful accounts of the amount of bank notes in circulation, and the amount of gold and silver coin held by each banker, as directed by this Act, it is necessary that the commissioners of stamps and taxes should be empowered to cause the books of bankers issuing such notes, and the gold and silver coin held by such bankers as aforesaid, to be inspected as herein-after mentioned: Be it there- Commissioners fore enacted, that all and every the book and books of any banker who shall taxes emissue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank of bankers notes issued or to be issued by such banker, or of or relating to the amount of containing such notes in circulation from time to time, or of or relating to the gold and silver coin held by such banker from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of coin held, to of true accounts of the average amount of such notes in circulation and gold and silver coin held as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination at all seasonable times of any officer of stamp duties authorized in that behalf by writing signed by the commissioners of stamps and taxes, or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid, and to inspect and ascertain the amount of any gold or silver coin held by such banker; and if any banker or other person keeping any such book, or having the custody or possession thereof or power to produce the same, shall, upon demand made by any such officer, showing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same. or to take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid, kept, contained, or entered therein, or if any banker or other person having the custody or possession of any coin belonging to such banker shall refuse to permit or prevent the inspection of such gold and silver coin as aforesaid, every such banker or other person so offending shall for every such offence forfeit the sum of one hundred pounds: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the commissioners of her Majesty's Treasury.

cause the books accounts of their bank notes in cirbe inspected.

XIII. And be it enacted, that every banker in Scotland who is now carrying All bankers or shall hereafter carry on business as such, other than the Bank of Scotland, in Scotland, to return their the Royal Bank of Scotland, and the British Linen Company, shall, on the first names, &c. once day of January in each year, or within fifteen days thereafter, make a return a year to the stamp office. to the commissioners of stamps and taxes, at their head office in London, of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a nember of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker, company, or partnership shall omit or refuse to make such return within fifteen 3 F VOL. IX.

Returns to be published. days after the said first day of January, or shall wilfully make other return of the persons as herein required, every banker, company, ship so offending shall forfeit or pay the sum of fifty pounds; as commissioners of stamps and taxes shall on or before the first day of every year publish in some newspaper circulating within each town respectively in which the head office or principal place of issue of banker be situated a copy of the return so made by every banker or partnership carrying on the business of bankers within such town respectively, as the case may be.

Penalty on banks issuing in excess. XIV. AND be it enacted, that if the monthly average circulation notes of any banker, taken in the manner herein directed, shall a exceed the amount which such banker is authorized to issue and circulation under the provisions of this Act, such banker shall in case forfeit a sum equal to the amount by which the average month tion, taken as aforesaid, shall have exceeded the amount which so was authorized to issue and to have in circulation as aforesaid.

3 & 4 Will. 4. c. 98. s. 6.

XV. And whereas by an Act passed in the third and fourth y reign of his late Majesty King William the Fourth, intituled "A " giving to the corporation of the governor and company of the " England certain privileges for a limited period, under certain cor was enacted, that from and after the first day of August one thou hundred and thirty-four, unless and until Parliament should other a tender of a note or notes of the governor and company of the England, expressed to be payable to bearer on demand, should tender to the amount expressed in such note or notes, and should h be valid as a tender to such amount for all sums above five po occasions on which any tender of money may be legally made, so l Bank of England should continue to pay on demand their said not coin; provided always, that no such note or notes should be deep tender of payment by the governor and company of the Bank of I any branch bank of the said governor and company: And when have arisen as to the extent of the said enactment: For removal it enacted and declared, that nothing in the said last-recited Ac shall extend or be construed to extend to make the tender of a no of the governor and company of the Bank of England a legal Scotland: Provided always, that nothing in this Act contained sh strued to prohibit the circulation in Scotland of the notes of the go company of the Bank of England, as heretofore.

Bank of England notes not a legal tender in Scotland.

Proviso.

Notes for less than 20s. not negotiable in Scotland. XVI. AND be it enacted, that all promissory or other note exchange, or drafts, or undertakings in writing, being negotiable able, for the payment of any sum or sums of money, or any order undertakings in writing, being negotiable or transferable, for the any goods, specifying their value in money, less than the sum shillings in the whole, heretofore made or issued or which shall h made or issued in Scotland, shall from and after the first day of Jathousand eight hundred and forty-six be and the same are hereby be absolutely void and of no effect, any law, statute, usage, or cus contrary thereof in anywise notwithstanding; and that if any persons shall after the first day of January one thousand eight hundred.

forty-six, by any art, device, or means whatsoever, publish or utter in Scotland any such notes, bills, drafts, or engagements as aforesaid, for a less sum than twenty shillings, or on which less than the sum of twenty shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in Scotland, every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds, at the discretion of the justice of the peace who shall hear and determine such offence.

XVII. And be it enacted, that all promissory or other notes, bills of exchange, or Promissory drafts, or undertakings in writing, being negotiable or transferable, for the payment of exchange, &c. twenty shillings, or any sum of money above that sum and less than five pounds, negotiable or report that the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of t or on which twenty shillings, or above that sum and less than five pounds, shall remain transferable, undischarged, and which shall be issued within Scotland at any time after the first day for 20s. and of January one thousand eight hundred and forty-six, shall specify the names and above, and places of abode of the persons respectively to whom or to whose order the same shall less than 51., be made payable, and shall bear date before or at the time of drawing or issuing in certain thereof, and not on any day subsequent thereto, and shall be made payable within the form. space of twenty-one days next after the day of the date thereof, and shall not be transferable or negotiable after the time hereby limited for payment thereof, and that every endorsement to be made thereon shall be made before the expiration of that time, and to bear date at or not before the time of making thereof, and shall specify the name and place of abode of the person or persons to whom or to whose order the manie and place of the source or design of every such note, bill, draft, or undertaking is to be paid; and that the signing of every such note, bill, draft, or undertaking, and also of every such endorsement, shall be attested by one subscribing witness at the least; and which said notes, bills of exchange, or drafts, or undertakings in writing, may be made or drawn in words to the purport or effect as set out in the schedules to this Act annexed marked (C.) and (D.); and that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of twenty shillings, or any sum of money above that sum and less than five pounds, or in which twenty shillings, or above that sum and less than five pounds, shall remain undischarged, and which shall be issued in Scotland at any time after the said first day of January one thousand eight hundred and forty-six in any other manner than as aforesaid, and also every indorsement on any such note, bill, draft, or other undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this clause contained shall be construed to extend to any such bank notes as shall be lawfully issued by any banker in Scotland authorized by this Act to continue the issue of bank Rep., 26 & 27 Vict. c. 105. s. 1. (temp.)]

XVIII. AND be it enacted, that if any body politic or corporate or any Penalty on person or persons shall from and after the said first day of January one persons, other than bankers thousand eight hundred and forty-six make, sign, issue, or re-issue in Scotland hereby auany promissory note payable on demand to the bearer thereof for any sum of thorised, issuing notes money less than the sum of five pounds, except the bank notes of such bankers payable on bereby authorized to continue to issue bank notes as aforegaid then and demand for as are hereby authorized to continue to issue bank notes as aforesaid, then and demand for less than 5/. in either of such cases every such body politic or corporate or person or persons so making, signing, issuing, or re-issuing any such promissory note as personald, except as aforesaid, shall for every such note so made, signed, issued, or re-issued forfeit the sum of twenty pounds.

- XIX. AND be it enacted, that if any body politic or corporate or person Penalty on persons shall from and after the passing of this Act publish, utter, or persons, other than bankers negotiate in Scotland any promissory or other note, (not being the bank note hereby auof a banker hereby authorized to continue to issue bank notes,) or any bill of uttering or exchange, draft, or undertaking in writing, being negotiable or transferable, negotiating for the payment of twenty shillings, or above that sum and less than five exchange, &c.

negotiable or

transferable. for payment of 20s. or above

pounds, or on which twenty shillings, or above that sum and les shall remain undischarged, made, drawn, or indorsed in a and less than 51. than as is herein-before directed, every such body politic or c or persons so publishing, uttering, or negotiating any such p note, (not being such bank note as aforesaid,) bill of exchang taking in writing as aforesaid, shall forfeit and pay the sum

Not to pro-hibit checks on bankers.

XX. Provided always, and be it enacted, that nothing shall extend to prohibit any draft or order drawn by any per or on any person acting as such banker, for the payment such banker or person to the use of the person by whom: shall be drawn.

Mode of recovering penalties.

XXI. AND be it enacted, that all pecuniary penalties u be sued or prosecuted for and recovered for the use of her Ma of her Majesty's advocate general or solicitor general in S solicitor of stamps and taxes in Scotland, or of any person as prosecute for the same by writing under the hands of the stamps and taxes, or in the name of any officer of stamp of debt, bill, plaint, or information, in the Court of Exchequer respect of any penalty not exceeding twenty pounds, by in plaint before one or more justice or justices of the peace in and the same manner as any other penalties imposed by an in force relating to the duties under the management of th stamps; and it shall be lawful in all cases for the commissio taxes, either before or after any proceedings commenced for such penalty, to mitigate or compound any such penalty, as sioners shall think fit, and to stay any such proceedings a have been commenced, and whether judgment may have such penalty or not, on payment of part only of any such without costs, or on payment only of the costs incurred in s of any part thereof, or on such other terms as such commis reasonable: Provided always, that in no such proceeding essoign, protection, wager of law, nor more than one impar and all pecuniary penalties imposed by or incurred under or in whose name soever the same shall be sued or prosecute shall go and be applied to the use of her Majesty, and shall and shall be accounted for as part of her Majesty's revenue : duties, any thing in any Act contained, or any law or usa; in anywise notwithstanding: Provided always, that it shal commissioners of stamps and taxes, at their discretion, to g of such penalties as rewards to any person or persons who s the offenders, or given information which may have led to

Application of penalties.

Interpretation

and conviction.

XXII. AND be it enacted, that the term "bank notes shall extend and app'y to all bills or notes for the paymen bearer on demand, other than bills and notes of the govern the Bank of England; and that the term "banker" shall to all corporations, societies, partnerships, and persons, and person, carrying on the business of banking, whether by notes or otherwise; and that the word "person" used include corporations; and that the word "coin" shall mean the coin of this realm; and that the singular number in this Act shall include the plural, and the plural number the singular, except where there is anything in the context repugnant to such construction; and that the masculine gender in this Act shall include the feminine, except where there is anything in the context repugnant to such construction.

SCHEDULES to which this Act refers.

SCHEDILE (A.)

					8	8	9 VICTORIA, c
-	tal amount t held ak during ceks	Silver.		1	-	C	10000
	Average total amount of Coin held by the Bank during four weeks	Gold.		-	-	-	
	the Banker ce Tssue,	Silver.			ne Week ay.	Silver.	
	head Offi Place of day of		4		y of the that d	Gold.	
	Account of Coin held by the Banker at the head Office or principal Place of Issue, on the	Gold.	લ		Held on each day of the Week preceding that day.		Monday - Tuesday - Wednesday Thursday - Friday - Saturday -
	rage veeks of otes.	Under £5.					
SCHEDULE (A.)	*Average of four weeks of all Notes.	Under £5. and mwande	and appropriate				
SCHEDO	reulation to week y of	Under £5.					-
	Notes in Circulation during the week ending day of	£5					
		by Certificate.					
	Head Office, or principal Place	of Issue,					
	Name of the Firm.						
1	Name and Title, Name or the Firm. principal Place authorized			0			

. To be inserted at the end of each period of four weeks.

I , being [the banker, chief cashier, managing director, or partner of the bank, or other officer duly authorized by the director, as the case may be,] do hereby certify, that the above is a true account of the notes in circulation and coin held by the said bank during the week above written.

Dated the day of (Signed)

SCHEDULE (B.)

le, Name of the Firm.	the Firm.	or principal Place of Issue.	Amount of Circulation authorized by Certificate	during	during the four weeks ending	nding	Coin held during four weeks ending	luring fo
				£5 and upwards.	Under £5.	Total.	Gold.	Silver.

SCHEDULE (C.)[•]

[Place] [Year] [Month] [Day]

Twenty-one days after date I promise to pay to A.B. of [place], or his order, the sum of , for value received by

Witness, E.F.

C.D.

And the Endorsement, totics quoties. [Day] [Month] Pay the contents to G.H. of [place], or his order.

Witness, J.K.

A.B.

. Schedule (D.)[•]

[Place] [Day] [Month] [Year]

Twenty-one days after date pay to A.B. of [place], or his order, the sum of , value received, as advised by

To E.F. of [place].

E.D.

Witness, G.H.

And the Endorsement, toties quoties. [Day] [Month] [Year]

Pay the contents to J.K. of [place], or his order.

Witness, L.M.

A.B.

CHAPTER XXXIX.

An Act to amend the Law of Arrestment of Wages in Scotland.

[21st July 1845.]

HEREAS an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to alter and amend 6 Geo. 4. " an Act passed in the thirty-ninth and fortieth years of King George the c. 48. "Third, for the recovery of small debts in Scotland": And whereas another Act was passed in the first year of the reign of her present Majesty, intituled "An Act for the more effectual recovery of small debts in the sheriffs courts, 7 will. 4. & " and for regulating the establishment of circuit courts for the trial of small 1 Vict. c. 41. " debt causes by the sheriffs, in Scotland": And whereas it is expedient that the said Acts should be amended, as regards the arrestment of wages: Be it Arrestment therefore enacted by the Queen's most excellent Majesty, by and with the competent on advice and consent of the lords spiritual and temporal, and commons, in this dependence present Parliament assembled, and by the authority of the same, that from raised by virtue and after the passing of this Act it shall not be lawful or competent to arrest of recited wages upon the dependence of any action raised by virtue of the said recited Acts, any thing therein contained to the contrary notwithstanding.

CHAPTER XLI.

An Act for amending the Laws concerning Highways, Bridges, a Scotland, and the making and maintaining thereof by Stand by the Conversion of Statute Service into Money.

[21s

HEREAS it has been found by experience that the lav highways, bridges, and ferries in Scotland, and concerning service for making and repairing them, and the conversion ther may be amended in various particulars: And whereas it is ex further regulations should be made concerning the said highways ferries, and that the system of managing them should be r uniform: Be it therefore enacted by the Queen's most excellen and with the advice and consent of the lords spiritual and commons, in this present Parliament assembled, and by the aut same, that from and after the passing of this Act all the enactmen matters, and things in this Act contained shall extend to all high and ferries in Scotland to which statute service, or the conversi money, or any assessment in lieu of such conversion, is or shall be to all Acts of Parliament now in force or which shall hereaf affecting such highways, bridges, or ferries in Scotland, saving a such enactments, provisions, matters, and things as shall be ex altered, or repealed by any Act that shall be hereafter passed.

The word "trustees" to include justices, &c.

This Act to apply to all

statute service roads, bridges,

&c. in Scotland.

Regulation of meetings.

II. AND be it enacted, that the word "trustees" in this Act to mean and apply to all justices of the peace acting under the any Act of Parliament for making and repairing highways, bridg in Scotland by statute service, or the conversion thereof in mone

III. And be it enacted, that all trustees acting in the execut any Act of Parliament for making and repairing highways, brid, in Scotland by statute service, or the conversion thereof in mo ment in lieu of such conversion, shall at all their meetings expences, and shall in the first place, where it is not otherwise d local Act, appoint a preses at every meeting, who in case of an of votes, including his own, shall have the casting vote; and determination at any such meeting, once made or agreed upon, sh or altered at any subsequent meeting, unless notice of the intent such revocation or alteration shall have been given at a previous entered in the minutes of such meeting, and transmitted by trustee not present at such previous meeting who shall have b the meeting where such order or determination was made, an shall also be published by two several advertisements in some newspapers usually circulated in the county or district of the cou road or roads or the principal part thereof shall be, ten days at to such subsequent meeting; and it shall be lawful for any t aforesaid at any time to call or require their clerk to call a meet always, that notice of such meeting and of the purpose thereof lished by two advertisements as aforesaid.

IV. And be it enacted, that all such trustees may and are here to appoint clerks, collectors, treasurers, superintendents, survey

Officers to be appointed and security to be taken.

officers, with reasonable allowances for their trouble, and to take such security from any of them for their intromissions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such trustee, Officers not to clerk, collector, treasurer, superintendent, surveyor, or other officer, shall be interested in contracts. directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said highways, bridges, or ferries, under a penalty of twenty pounds.

V. And be it enacted, that all such trustees may pursue and be pursued in Trustees the name of their clerk or treasurer for the time being; and no action or and be pursued process shall cease by the death or removal of such clerk or treasurer, but shall in the name of be continued in the name of the clerk or treasurer for the time.

VI. And be it enacted, that all such trustees shall cause a book or books Books of to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed and of all be kept and money received and expended on account of the highways, bridges, and ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each highway, bridge, and ferry, and to management and expences, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts for the year current at the passing of this Act shall be made up in each county or district of a county, and shall be audited and signed by two of the said trustees, or by their preses, if more than two be present, within a year after the passing of this Act; and the accounts so made up, and signed shall include all transactions preceding the period of one month before the time at which they are so signed; and similar accounts shall be annually thereafter made up, and shall in like manner be audited and signed within one month from the time to which they are so made up; and after the first year from and after the passing of this Act it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion until such accounts shall have been made up, audited, and signed as above directed.

VII. And be it enacted, that any person, having performed service or paid Permission the conversion in money or assessment for the past or current year, may see accounts. and take a copy of the said accounts or any part thereof, on paying one shilling to the clerk or treasurer for each time of inspection; and an abstract of such Abstract to be accounts shall be printed and published annually in at least one newspaper published. usually circulated in the county or district where the road or roads or principal part thereof shall be, within one month after the said accounts are audited and signed as aforesaid; and any clerk or treasurer neglecting to make up or Penalty on refusing or not permitting inspection of such accounts as aforesaid, or failing officers for default. to print and publish the abstract thereof as aforesaid, shall forfeit and pay a sum not exceeding five pounds to any such person who shall prosecute for the same, with the expences of process or proceedings.

VIII. AND be it enacted, that it shall not be lawful to commence any legal Proceedings process or proceeding for the recovery of any sum due or leviable as conversion of sums due of statute service, or assessment in lieu of such conversion, for making or as conversion maintaining any highway, bridge, or ferry, after six months from the time of statute service to be when the said sum shall have become leviable; and in all cases previous commenced demand shall be made thirty days before commencing such process or pro- within six months. ceeding.

their clerk, &c.

Mode of recovering conversion money.

7 Will. 4. & 1 Vict. c. 41.

IX. And be it enacted, that it shall be competent to recover any one hundred pounds Scots due or leviable as aforesaid for making any highway, bridge, or ferry, according to the provisions of an A the seventh year of King William the Fourth and in the first year Victoria, intituled "An Act for the more effectual recovery of sm." the sheriff courts, and for regulating the establishment of circui "the trial of small debt causes by the sheriffs, in Scotland," to the contrary in any local Act notwithstanding: Provided a nothing herein contained shall in any way alter or affect any en provision in any local Act relative to warrants for poinding for aforesaid, or any proceeding consequent thereon, saving and except shall not be competent after the passing of this Act to imprison any nonperformance of statute labour, or nonpayment of the conversion assessment in lieu of such conversion.

No imprisonment for nonperformance of statute labour, &c.

No person liable to work or pay who does not possess lands, &c. valued at 2l. yearly. X. AND be it enacted, that from and after this present year or eight hundred and forty-five it shall not be lawful to require any being the proprietor or occupier of lands, buildings, or other herita of the yearly value of two pounds or more, to work or perform sta on any highway, bridge, or ferry, or to exact or levy money from person as conversion of statute service, or otherwise for making or any highway, bridge, or ferry; and all warrants for poinding or impand other legal proceedings whatsoever, against any such person on account of nonperformance of such work or service, or nonpayment money or conversion, are hereby prohibited and discharged, as excepting such proceedings as shall have been commenced before to December one thousand eight hundred and forty-five, which, notwenty thing herein contained, may be continued and carried on in all if this Act had not been passed.

Power to exempt persons who do not possess lands, &c. valued above 5l.

XI. And be it enacted, that it shall and may be lawful for all sure at a general meeting assembled, on previous notice of such purpose as above directed, from time to time to fix and determine any yearly value of lands, buildings, and other heritable subjects, not pounds and not above five pounds, to the proprietors and occupier such trustees shall think fit to extend the said exemption in an district of a county; and it shall not thereafter be lawful to person, not being the proprietor or occupier of lands, building heritable subjects of a yearly value above the amount so fixed, perform statute service on any highway, bridge, or ferry, or to exmoney from any such person as conversion of statute service, or of making or maintaining any highway, bridge, or ferry.

Proprietors in certain cases to be assessed instead of tenants. XII. And be it enacted, that in all cases in which, by authority Act now in force, money as conversion of statute service, or assessment thereof, is authorized to be assessed on lands, buildings, or other subjects, and is payable in whole or in part by the occupiers or ten lands, buildings, or other heritable subjects, it shall and may be assess upon and recover from the proprietor of any such lands, but other heritable subjects such money, or part thereof, as the trustee by such local Act may think proper, so payable by any occupied thereof, who is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands, but the subjects is not occupier or tenant or proprietor of lands is not occupier or tenant or proprietor of lands.

heritable subjects of the yearly value in the whole of two pounds: Provided always, that if all the lands, buildings, or other heritable subjects belonging to such proprietor shall not be of the yearly value of two pounds, no part of such money shall be assessed upon or recovered from such proprietor.

XIII. AND be it enacted, that in all cases in which any sum of money Assessments heretofore exigible as conversion of statute service, or assessment in lieu ceasing by this Act may thereof, shall under this Act cease to be so exigible, it shall be lawful for all be levied in such trustees at a general meeting assembled to assess in any county or district upon all lands, of a county any sum not exceeding the amount of the conversion or other money which by reason of this Act shall cease to be exigible, and to cause the same to be levied upon all lands, buildings, and other heritable subjects not herein-before exempted from assessment, or to be added to the sums otherwise assessable by any local Act, and that notwithstanding the rate of assessment should be thereby raised above the maximum amount authorized by such local Act; and all such sums so assessed or added shall be levied and applied in the same manner as the money might have been levied and applied in lieu of which the said sums are assessed; and all such sums shall be payable, one half by the owners, and the other half by the occupiers, of the lands, buildings, or other heritable subjects so assessed; and it shall be competent to levy from the occupiers the half payable by the owners, and such occupiers shall be entitled to deduct such half from the rent payable to the owners or other parties having right to such rent.

&c. not hereinexempted.

XIV. AND whereas it is expedient to abolish the personal performance of statute service, and the levying of the conversion thereof in money, or any assessment in lieu of such conversion, as a poll tax: Be it enacted, that from Trustees and after this present year one thousand eight hundred and forty-five it shall may order and may be lawful for all such trustees at a general meeting assembled, if they of statute shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit, to order and direct that in any county or district of a county service, and shall think fit. all such performance of statute service, and all such levying of conversion or version money assessment in lieu thereof, shall cease and determine.

performance or assessment as a poll tax,

XVII. AND be it enacted, that all liferenters and wadsetters shall be deemed Liferenters. and held to be proprietors for all the purposes of this Act; and that where any wadsetters, &c. to be held house has been or shall be built by any tenant under a building lease, such proprietors. tenant, and his heirs and assignees, shall for the purposes of this Act be deemed and taken to be proprietor of such house.

XVIII. AND be it enacted, that it shall be lawful for all such trustees, or Power to get any person authorized by them, to search for, dig, and carry away materials for making or repairing any highway, bridge, or ferry, or for building, making, or repairing any work connected therewith, from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person; such trustees, or other persons authorized by them, filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries, so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials. mud, or rubbish, such damages to be ascertained as herein-after mentioned;

Satisfaction.

Notice to be given before materials are taken from inclosed

lands.

Penalty on taking away materials provided for repairing highways, bridges, or ferries, &c.

Power to use adjoining ground as a temporary road during repairs,

making compensation. and also that it shall be lawful for such trustees, and other persons by them, as aforesaid, to search for, dig, and carry away any such or out of the inclosed land of any person where the same may be to land or carry the same through or over the ground of any p materials not being required for the private use of the owner or such land, and such land or ground not being an orchard, garden, l nursery for trees, planted walk or avenue to any house, nor inclo planted as an ornament or shelter to a house, unless where material previously in use to be taken by the said trustees,) making or ten satisfaction for stones to be used for building, and for the surface d to the lands from whence such materials shall be dug and carrie over or on which the same shall be carried or landed, as such tr judge reasonable; and in case such trustees and the proprietor or such lands shall differ as to the amount of such payments and aforesaid, it shall be competent to the sheriff or justices of the p shire wherein the place from whence such materials shall have bee on which the same shall have been landed or carried, shall be situ application of either party, with inducise of six days, to hear and all questions as to the amount of such payments and damage expences attending the same: Provided always, that before t materials from any inclosed land from which the same shall not have been in use to be taken fourteen days previous notice in wri by two trustees, shall be given to or left at the usual residence prietor and occupier of the land or quarry from which it is intend the same, or his or her known agent, to appear before the sheriff justices of the peace acting for the shire where the said lands are show cause why such materials shall not be so taken; and in proprietor, occupier, or agent shall attend pursuant to such noti neglect or refuse to appear, (proof on oath in such case being duly service of such notice,) such sheriff or justices shall authorize or I trustees to take such materials, or make such order as they shall th

XIX. AND be it enacted, that it shall not be lawful for any per away any materials which shall have been procured or provided making or repairing any highway, bridge, or ferry, or to take are out of any quarry which shall have been opened by any such trust purpose of getting materials, so as to interrupt or interfere with the carried on by such trustees; and every person so offending shall for offence forfeit and pay any sum not exceeding five pounds.

XX. AND be it enacted, that it shall be lawful for all such trusted a road through the grounds adjoining to any ruinous or narrow phighway, (not being an orchard, garden, lawn, policy, planted wall to any house, or nursery for trees,) to be made use of as a public whilst the old road is repairing or widening, making recompete proprietor and occupier of such grounds for the damages they me sustain; and in case such trustees and such proprietor or occupier as to the amount of such damages, it shall be competent to the justices of the peace for the shire where such damages or any part the have been incurred, on the application of either party, with an indication of either party.

days, to hear and determine all questions as to the amount of such damages, and the expences attending the same.

AND be it enacted, that it shall be lawful for all such trustees to make make side AND be it enacted, that it shall be lawful for all successful and not being the from into any adjoining land, ditch, or watercourse, (such land not being the house or garden,) in such manner as shall be least injurious to the Proprietor or occupier of such land, the said side drains to be maintained at the expence of the trustees.

And be it enacted, that it shall be lawrus for an account the sufficient ditches along the side of any highway, provided that if the is inclosed on the side of such highway such ditch shall be made on the is inclosed on the side of such highway such duten such side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence, and also to make proper ditches and outlets from the side of the fence of the f side of the fence, and also to make proper ditches and outside side ditches through any lands adjoining any such highway, (not being ditches through any lands adjoining as shall be least injurious to side ditches through any lands adjoining any such manner as shall be least injurious to any house or garden,) in such manner as shall be least injurious to Bite of any house or garden,) in such manner as shall be recorded to proprietor and occupier of such land; and the occupier of such land (unless that the obliged in all time thereafter to land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any highway, when so required by the said trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such trustees or surveyors, such trustees or surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expence thereof from the occupier of such grounds: Provided always, that nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the trustees, any other equal effectual ditch or outlet in place of that constructed by the trustees.

XXIII. AND be it enacted, that it shall be lawful for any such trustee or surveyor of any highway, or other person authorized by the said trustees, brevi manu, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever, laid or left upon any such road or footpath, or on any side drain or ditch of such road, and to sell or otherwise dispose of the same as a forfeiture in such manner as the trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof by payment of the penalty in such case enacted: Provided always, that the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any highway, such materials occupying one fourth part of such road only, and such proprietor or occupier giving three days previous notice in writing to the clerk or surveyor of the road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the trustees may require.

Timber, stones, &c. left on roads may be seize

XXIV. AND be it enacted, that if any person shall fill up or obstruct any ditch at the side of any highway, or any ditch used for conveying water from the said road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling house or other building, or any hedge, ditch, or other fence, or in any other manner whatever, on any highway, or shall make any drain, gutter, sink, or watercourse across, under, or upon, or shall turn or conduct any drain or water across, under, or upon, or in any way break up the surface of any highway, without the consent in writing of the trustees of such highway, or of their surveyor, such person shall forfeit for

Penalties of Persous making encroachment every such offence a penalty not exceeding five pounds; and it shal for the trustees of any such highway to cause such dwelling hous building, hedge, ditch, or fence, drain, sink, watercourse, gutter encroachment, to be taken down or filled up at the expence of the offending.

Proprietors, &c. in parishes, liable to conversion money or assessment, to defray damages to parapets, &c. committed by persons undiscovered.

XXV. AND be it enacted, that it shall be lawful for all such trus the parapet of any bridge, or any fence, milestone, direction po erection, building, matter, or thing belonging to the said trustees, the purposes of the trust under their management, shall be de injured, and the persons so offending cannot be discovered and co complain to the sheriff or justices of the peace of the shire in v damage shall have been committed, having previously given notice of their intention of making such complaint on the church door of in which the said damage shall have been committed for two Sundays, and which complaint the said sheriff or justices shall summary way; and if they shall sustain the same they are hereby and required to assess the amount of such damage, and the expences or proceedings, upon the proprietors, occupiers, and such other pers parish wherein such damage shall have been committed as aforesaid if this Act had not been passed have been liable for the payment of version money leviable for statute labour in the shire in which suc situated, which assessment shall be levied by the said trustees upon persons, in the same proportions, with the same relief to landlor tenants, and in the same manner, as the said conversion money may and in the event of any fractional part of such assessment being halfpenny the whole of such halfpenny shall be leviable from the inc whose assessment such fraction shall occur, and any surplus that therefrom shall be applied to the repair of the roads.

Penalty on persons committing nuisances, &c.

XXVI. And be it enacted, that if any person shall ride upon an or causeway on or by the side of any highway made or set apart or accommodation of foot passengers, or shall lead or drive any mule, swine, or cattle, or carriage of any description, or any wh truck, or sledge, or any single wheel of any waggon, cart, or carr therefrom, upon any such footpath or causeway; or shall wilfully o do or cause any injury or damage to be done to the same, or to the posts, rails, or fences thereof; or shall wilfully pull down or da bridge, wall, or any building, fence, or erection made by the truste highway, or repaired or repairable by them; or shall break, injure, displace any tools, trestles, bars, stones, materials, or other article v belonging to such trustees, or used on any such road under their aut shall haul or draw, or cause to be hauled or drawn, upon any part of way, any timber, stone, or other thing, otherwise than upon a wheele or shall suffer any timber, stone, or other thing which shall be carr pally or in part upon a wheeled carriage to drag or trail upon such in ploughing or harrowing any adjacent uninclosed land shall turn plough, or harrow in or upon such road or the side drains or ditche or shall, in or upon such road, or by the side or sides thereof, or in an situation near thereto, kill, slaughter, singe, scald, burn, dress, or co beast, swine, calf, lamb, or other cattle; or if any person, driving an

cart, horse, or other beast on such road, conveying any iron bar or rod, tree, Wood, stone, basket, or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than thirty inches from the side of such horse or other beast, or more than one foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast, or carriage travelling along such highway; or if any person shall carry any timber or other article above twenty-five feet long on any cart or carriage not having more than two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any highway; or if any person occupying or using a blacksmith's shop, foundry, smelting house, iron or brass work, boiler-making work glass work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib, rocket, serpent, or other firework whatsoever, within one hundred feet of the centre of such road, or shall discharge any gun, pistol, or other firearms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games, upon such road, or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart, or other carriage whatever upon such road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage during the time of loading or unloading the same, or of taking refreshments, as near to one side of such road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto; or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever, upon such road or on the side or sides thereof, or the foot. paths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge or fence of any such road; or shall suffer any water. filth, dirt, or other offensive matter or thing whatsoever to run or flow into or upon such road or footpaths from any house, building, erection, lands, or premises adjacent thereto; or if any person driving any pigs or swine upon such road shall suffer such pigs or swine to root up or damage such road, or the fences, hedges, banks, or copse on either side thereof respectively; or if any person shall, after having blocked or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure, or destroy any lamp or lamp post put up, erected, or placed in or near the side of any highway, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding fifty shillings, over and above the damages occasioned thereby.

Regulation of drivers. XXVII. AND be it enacted, that if the driver of any cart, we such carriage on any highway shall ride on the shafts, or in or part of such carriage, without having and holding reins attached of the bridle of each beast of draught drawing such cart or cart any time leave the same travelling on any such road without person to guide the beast or beasts of draught drawing the allow to go at large any dog that may be attending him, or his or other such carriage, or shall not chain or fasten the same to cart, or carriage, or if the driver of any sort of carriage shall neleft or near side of such road on meeting or on being overtaken carriage or any rider, or shall wilfully prevent any other person or his carriage, such driver shall for every such offence forfeit a not exceeding five pounds over and above the damages occasioned

Penalty in case of one driver taking charge of more than two carts, &c. XXVIII. And be it enacted, that if one person act as the of than two carts, waggons, or other such carriages on any high hinder of two carts, waggons, or other such carriages, under the one person, shall be drawn by more than one horse, or if the hinder cart, waggon, or carriage shall not be attached by a rein the cart which shall be foremost, and follow in the same line horse drawing such hinder cart not being permitted to be fur foremost than six feet, the owner or driver of every such waggon carriage shall for each transgression in any of the points aforest pay a sum not exceeding forty shillings.

Children not to drive carts, &c, XXIX. And be it enacted, that no waggon or cart travelling way shall be driven by any person who shall not be of the full a years, under a penalty for each such offence not exceeding for be paid by the owner of such waggon or cart.

Persons opening up roads for laying pipes for water, &c. must repair them; and in default trustees may do so at their expence.

XXX. And be it enacted, that if the causeways and footpath way, or any part of such highway, shall be opened up by any per with leave of the said trustees, or otherwise having authority s laying of pipes for water, gas, tunnels, or railroads, or for any whatever, and the same shall not be immediately thereafter repa and rendered completely sufficient and good by the person or p up the same, to the satisfaction of the said trustees or their surv said trustees or their surveyor shall have full power and th authorized to execute the necessary repairs on the part or part or footpath so opened up, and to restore the same completely, the expence thereof against the person or persons opening up the shall be ascertained by an account under the hands of the said quorum of them, or of their clerk or surveyor; and if any happen to the public from the operations of the persons opening as aforesaid, such persons shall be solely liable for the same, and relieve the said trustees thereof, and of all expences attending in all cases where any injury shall arise to any highway fro conduit, pipe, water, matter, or thing whatsoever being conve under, or upon, or by any thing done upon any part of any sucl person having leave or otherwise entitled so to do, and such in be immediately repaired to the satisfaction of the trustees,

surveyor are hereby authorized to repair the same, and charge the expence thereof as aforesaid against the person occasioning the said injury, or for whose purposes the thing occasioning the same shall be done or kept.

XXXI. And be it enacted, that if the surveyor of any highway, or any Surveyors, &c. Contractor or other person employed on such road, shall lay on any part of any mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot to leave mot leave mot to leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot leave mot l road any heap of stones or other materials for the repair thereof, and necessarily on the road Permit the same to remain longer than necessary for the breaking and Permit the same to remain longer what house providing of such materials, or shall lay on any such road any matter or thing, shall knowingly permit to remain on any part of any such road any matter thing, which may endanger the safety of any passenger, or shall dig any which may endanger the safety of any passons.

Or make any cut on any highway without sufficiently fencing the same, Person shall for every such offence forfeit and pay a sum not exceeding t shall be lawful for any person travelling along any highway to prosecute sum, damages, and expences, in manner herein-after provided: Provided that it shall be lawful for any such surveyor, contractor, or other per to have on any such road, during daylight, any trestles or bars in any manner as the trustees of such road may judge necessary to prevent interruption of the work during the repairing of the road, or to prevent carts or carriages from running in tracks injurious to the road: Provided also, that such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the road.

XXXII. And be it enacted, that if the proprietor or occupier of any lands Proprietors adjacent to any highway shall dig any pit or make any cut upon or within to fence pits twelve feet of the side of any such road, and shall leave the same unfenced so the roads. as to be dangerous to travellers, and shall not fence the same when required so to do by any two of the trustees of such road, or any procurator fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding five pounds for every day such pit or cut shall continue to be unfenced beyond three days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said trustees or procurator fiscal to cause the same to be fenced at the expence of such proprietor or occupier.

XXXIII. AND be it enacted, that if any horse, cattle, ass, sheep, swine, or No animal to other beast of any kind shall be pastured, or left or permitted to remain, or be pastured found straying, on any highway, or the sides thereof, (except on such parts of or sides thereof. any road as pass through or over any common or waste ground, or land not inclosed, unless it be arable on one side,) the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding five shillings for every such beast; and it shall Animals may be lawful for any trustee of such highway, or the surveyor of such trustees, or be seized; any other person authorized by them, brevi manu, to seize and detain the same until such penalty and the expences of process and proceeding shall be paid; and in case the said penalty and expences shall not be paid within three days and sold for after notice of such detention shall be given at the parish church nearest to payment of the place where such animal shall be found, the said surveyor or other person VOL. IX.

on the roads,

shall sell the same, with the authority of the sheriff or any j for the shire, who are hereby empowered to grant such au deducting the amount of the said penalty and expences, other person shall pay the surplus, if any, to the owner detained.

Side ridges to be made in ploughing uninclosed lands adjoining highways.

Gates not to open towards highway. XXXIV. AND be it enacted, that every person in plought land adjoining any highway shall make side ridges along road of the breadth of twelve feet at the least, under a pen five pounds.

XXXV. And be it enacted, that no gate of any park, whatsoever shall be made to open into or towards any part or be suffered so to open, except the hanging post thereof placed so far from the centre of any part of such road as the gate shall, when open, project over any part of such road, obelonging thereto; and the occupier of any park, field, or in gate opening outwards, contrary to the meaning of this Act days after notice to him or her given, either personally or in trustees of such road or their surveyor, cause such gate to part of the gate, when open, shall project over any part of s footpath belonging thereto; and if such occupier fail so to any such road shall cause the gate to be hung as herein-becarge the expence of making such alteration and hanging the said occupier, who shall, over and above such expende further sum, not exceeding five pounds, for such neglect.

Weeds to be cut by trustees.

XXXVI. And be it enacted, that the trustees of every his cause to be cut all weeds growing on the same or the sinclosed, at a proper season of the year, in order to prevent into seed; and if they fail so to do for eight days after being proprietor or occupier of the adjoining land, by notice in writcher clerk or surveyor, such proprietor or occupier may cut the the expence thereof against the said trustees.

Owners of waggons, carriages, &c. shall cause their names &c. to be painted thereon,

XXXVII. AND be it enacted, that the owner of every v also of every coach, post chaise, or other carriage, let either part to hire, shall paint in a straight line horizontally upor part on the off or right side of his waggon or cart, and upon doors of all such coaches, post chaises, or other carriages, be be used upon any highway, the christian and surname and such person, or the christian and surname and place of abod partner or owner thereof, in large legible roman letters, eith upon a light ground or of a light colour on a dark ground inch in height, with numbers, beginning with number one, v carriages respectively than one shall belong to the same own in regular progression, and shall continue the same thereup long as such waggon, cart, or other carriage shall be used u and every owner of any such waggon, cart, or other carriage the same to be used upon any highway without the name painted thereon respectively as aforesaid, and every person shall forfeit for every such offence a sum not exceeding for every person driving any such waggon, cart, or other carriag

bin and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding forty shillings.

VIII. AND be it enacted, that it shall be lawful for the procurator Trustees may fiscal and for all such trustees, or any person authorized by them, or for any prosecute before sheriff and for all such trustees, or any person authorized by them, or for any prosecute before sheriff and justices at one of their number, to prosecute for any expences, penalty, forfeiture, or fine and justices at by this or any Act made for making or maintaining any highway, of the trust. the or ferry, and to recover the same, before the sheriff or the justices of Peace of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in which the same snau nave control of the shire in the same snau nave control of the shire of the shire in the same snau nave control of the shire in the same snau nave control of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the shire of the sh entioned; and it shall be lawful for the said trustees to allow the pences of such prosecutions to be defrayed out of the funds of the trust.

XIX. And be it enacted, that all expences, penalties, forfeitures, and Proceedings for recovering fig. And be it enacted, that an expenses, polarios, according such penalties as for recovering penalties, &c. perein otherwise directed to be recovered and applied) shall, after hearing party complained of, or on the nonappearance of such party, after summonths on an inducise of six days, personally, or at the dwelling place of such party, (of which the oath of one witness, or an execution of citation without witnesses, shall be sufficient evidence,) upon proof of the fact before the sheriff or justices of the peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending or by the oath of any one credible witness, or other competent evidence, be levied, together with the expences of the prosecution and conviction, by poinding and sale of the goods and effects of the party offending, by warrant under the hand of such sheriff or justices (which warrant such sheriff or justices are hereby empowered to grant); and the surplus, (if any,) after deducting such expenses, penalties, forfeitures, and fines, and the expences of the proceedings and charges of such poinding and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such sheriff or justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of pointing, nanless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such sheriff or justices, for his or her appearance before such sheriff or justices on such day as shall be appointed for the return of such warrant of poinding, which security the said sheriff or justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found. then it shall be lawful for the said sheriff or justices, in all cases where the penalties sought to be recovered shall exceed the sum of forty shillings, and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding four months, unless such expences, penalties, forfeitures, and fines, and the expences of the proceedings, shall be sooner paid; and in all where the penalties awarded shall be less than the sum of forty shillings the said sheriff or justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding two months, unless the said penalties, fines, and expences shall be sooner paid; and the monies arising by

such penalties, forfeitures, and fines respectively, if not otherw be applied by this Act, or the Act under which the same shincurred, or in so far as not directed by the sheriff or justi towards the expences of the proceedings, shall be paid to the making and maintaining the roads, or to their treasurer, and disposed of for the purposes of such roads.

Recovery of penalties by summary process. XL. And be it enacted, that it shall be lawful for the she justice, before whom any complaint for the recovery of any penalties, forfeitures, or fines may be brought, to proceed, if justice, duly considering the nature of the case, shall think fit, wise, in a summary way, and to grant warrant for bringi complained upon before him for examination, and after hear confessionor probation by the oath of any credible witness or evidence, to proceed to determine thereon, without any writt record of evidence, and to grant warrant for levying the sa poinding and sale, and in the case of a return of no effects, or appear to the satisfaction of such sheriff or justice that no sufficie found, for commitment of the offender as above enacted; but a record shall be preserved of the charge and of the judgment p

Attendance of witnesses. XLI. AND be it enacted, that if any person shall be summor to give evidence before any sheriff or before any justice of the any matter contained in any Act relating to highways, bridges, this Act, either on the part of the prosecutor or the person ac refuse or neglect to appear at the time and place for that pur without a reasonable excuse for such refusal or neglect, then so forfeit for every such offence any sum not exceeding five poun be no objection to any witness that such witness shall have ap citation, or without having been regularly cited.

Power to apprehend, &c. unknown persons committing offences.

XLII. And whereas offences may be committed against the Acts for making and maintaining highways, bridges, or fer unknown to the surveyors or other officers: Be it therefore shall be lawful for any of the trustees of any highway, or any or their surveyors or other officers respectively, and such other of them shall call to their assistance, or for any person see committed against this or any such Act, without any we authority than this Act, brevi manu, to seize and detain any who shall commit any such offence, and take such person before the sheriff or any neighbouring justice of the peace where the offence shall have been committed or where such of seized and apprehended, who shall forthwith examine and discussed and apprehended, who shall forthwith examine and discussed person till caution de judicio sisti be found, or shall promary way above directed, as the case may seem to require.

Appeal from justices to quarter sessions.

XLIII. And be it enacted, that any person who shall therself aggrieved by any judgment or proceedings of any just the peace in the execution of this Act, for which no particular hereby provided, may, within three months after such judgmings, but not afterwards, appeal to the justices of the peace sessions, the appellant giving fifteen days previous notice of su opposite party, and to the clerk of the said trustees and

justices of the peace, and finding caution to pay the expences of such appeal; and where by this Act the adjudging of any penalty, forfeiture, or fine, or the Judgment of determining the amount of any payment, damages, or expences, or any other matter, is committed to any justice or justices of the peace, or to the sheriff, or to the justices of the peace assembled in their quarter sessions, originally sions, to be or by appeal, all judgments, determinations, and proceedings of such justice or justices not appealed from as aforesaid, and of such sheriff or quarter sessions, shall be final and conclusive, and shall not be subject to review by advocation or suspension, or by reduction, or by any process of law or court whatsoever, any law or usage to the contrary notwithstanding.

appealed from, or of sheriff or quarter ses-

XLIV. AND be it enacted, that all warrants, interlocutors, judgments, and Warrants, tences of sheriffs and justices, issued or pronounced under the authority of enforced in Act, may be enforced against the person or effects of any party or witness any other any other county, as well as in the county where the same are issued or county. pounced: Provided always, that such warrants, interlocutors, judgments, sentences shall be endorsed by the sheriff or a justice of the peace of such county; and such endorsation shall be sufficient authority to the conles or sheriff's officers of the original county, or of such other county, to the same to execution within such other county.

nothing contained herein or in any local Saving of Act shall render it incompetent for any sheriff to hear and determine any jurisdiction civil causes or prosecutions for penalties, forfeitures, and fines, on account of to hear civil any of the matters herein-before or in any local Act enacted, according to the penalties provisions of an Act passed in the seventh year of King William the Fourth under and in the first year of Queen Victoria, intituled "An Act for the more effectual 7 Will. 4. & 1 Vict. c. 41. covery of small debts in the sheriff courts, and for regulating the establishment of circuit courts for the trial of small debt causes by the sheriffs

" in Scotland."

XLVI. AND be it enacted, that all civil causes, petitions, complaints, and Proceedings processes whatsoever, and prosecutions or proceedings, for expences, penalties, forfeitures, and fines imposed by this Act or any local Act, or for any damages within six incurred or any wrongs done or injuries suffered in any matter thereto relating, or for any thing done in pursuance of any of the powers by this or any such Act given and granted, shall be commenced within six calendar months after the penalty, forfeiture, fine, or damage shall have been incurred, or wrong done or injury suffered, or fact committed, and not afterwards: Provided Proviso. always, that nothing in this clause contained shall apply to or affect in any way what is above enacted concerning processes and proceedings for the recovery of any sum due or leviable as the conversion of statute service, and the expences thereof.

XLVII. AND be it enacted, that nothing in this Act contained shall be Act not to construed to extend or apply to the middle district in the county of extend to middle district Edinburgh.

in county of Edinburgh.

CHAPTER XLII.

An Act to enable Canal Companies to become Carriers of Goods to Canals. [21st J

HEREAS by divers Acts of Parliament railway companies empowered to convey upon their railways all such goods, wares dize, articles, matters, and things as may be offered to them for that and to make such reasonable charges for such conveyance as they time to time determine upon: And whereas greater competition for advantage would be obtained if similar powers were granted to navigation companies which have from time to time been incor established under the authority of Parliament; but such benefici cannot be effected without the authority of Parliament: Be i enacted by the Queen's most excellent Majesty, by and with the consent of the lords spiritual and temporal, and commons, in the Parliament assembled, and by the authority of the same, that from the passing of this Act it shall be lawful for the company of p trustees, or the undertakers of any canal, river, or navigation, or th tive committees, directors, or managers, or their superintendent agents by them duly authorized, to carry as common carriers for profit upon their respective canals, rivers, or navigations, or upon an or tramways belonging thereto, and constructed under the power respective Acts of Parliament, or upon any other canals, rivers, or I communicating therewith, either directly or by means of any in canal, river, or navigation, all such goods, wares, merchandize, article and things as may be intrusted to them for that purpose, and, for enabling them so to do, to purchase, hire, and construct, and to use a any number of boats, barges, vessels, rafts, carts, waggons, carriages, conveniences, and also to establish and furnish such haulage, trackage means of drawing or propelling the same, either by steam, anim power, or for the purpose of collecting, carrying, conveying, warehouse delivering such goods, wares, merchandize, articles, matters, and th any such company or undertakers shall seem fit, and to make such charges for such conveyance, warehousing, collection, and delivery a respectively from time to time determine upon, in addition to the s or dues which any such company or undertakers are now authoriz for the use of their said canals, navigations, or railways.

II. Provided always, and be it enacted, that any such compansioners, trustees, or undertakers using or employing any steam power pelling, by means of paddle wheels, boats, barges, vessels, or rafts, canal, river, or navigation, (other than their respective canals, navigations,) shall use and employ the same subject to such bye and regulations touching the construction, dimensions, power, rate of otherwise, of such boats, barges, vessels, or rafts so propelled by aforesaid as the directors, commissioners, or undertakers of the can and navigations respectively on which such last-mentioned box vessels, or rafts shall be used and employed shall see fit to make an in that behalf, and they are hereby authorized and empowered to publish such bye laws, rules, and regulations, and from time to time or amend the same, as need may require; but it is hereby expressly

Canal companies may carry goods on their own canals, or canals communicating therewith, as common earriers, &c.

Companies propelling boats, &c. by steam power on canals of other companies to be subject to the bye laws and regulations of such other companies.

and enacted that any bye laws, rules, and regulations so to be made and published binding on all companies and lished shall be made equally applicable to and binding on all companies and person or other vessels. Dersons so using such last-mentioned boats, barges, or other vessels.

trustees, or undertakers to purchase and provide and use boats and other boats and vessely. Or undertakers to purchase and provide and machinery, for hauling, power for hauling and machinery. AND be it enacted, that it shall also be lawful for any such company, Companies track; and also horses, steam or other power, and machinery, for hauling, and also horses, steam or other power, and machine, and towing, upon their own canals, rivers, or navigations, or upon tracking therewith, either vessels. canals, rivers, or navigations communicating by means of any intermediate canal, river, or navigation, and to canals, rivers, or navigations communicating therewith, either vessels. ploy a sufficient number of competent persons for those purposes, and to and receive for the use of such boats, and for such hauling, tracking, Dective committees, directors, or managers of such canals or navigations, or such reasonable hire or remuneration as shall be fixed by the Chall be agreed upon between them and any person desiring the use of any hall be agreed upon between them and any person desiring the use of any thall be agreed upon between them and any person whom the boats or vessels, or requiring such hauling, tracking, or towing.

may provide power for hauling and

PROVIDED always, and be it enacted, that all charges to be made by Tolls, &c. company for the carriage of any such goods, wares, merchandize, equally to articles, or things, or for the use of their boats and other vessels, or for the all persons. supply of haulage, trackage, or other power, shall be at all times charged equally to all persons, and after the same rate, whether per mile, or per ton per mile, or otherwise, in respect of all goods, wares, merchandize, articles, and things, of a like description, and conveyed or propelled in a like boat or vessel at the same rate of speed, and passing along the same portion of any such canal or navigation under the like circumstances, and no reduction or advance in any of such charges shall be made, either directly or indirectly, in favour of or against any particular company or person passing along, or using, or sending goods, wares, merchandize, articles, or things along, the same portion of any such canal or navigation under the like circumstances.

V. AND be it exacted, that any canal or navigation company exercising the Company powers by this Act granted shall have all the same powers and remedies for recovering any sum or sums of money which shall or may become due and carriers, and owing to such company as carriers, or for the use of any boats or vessels, or indictments. for the supply of any haulage, trackage, or other power, by virtue of this Act, as are given to them respectively by their said several Acts of Parliament in reference to the tolls and duties thereby made payable, or they may, at their option, sue for and recover such charges, or any part thereof, in any of the superior courts; and such company may in like manner be sued for any loss sustained by any person or persons employing the said company as carriers, or for any neglect or misconduct of such company or their servants in respect of their conduct as carriers by virtue of this Act; and such company may prosecute any indictment or other proceeding at law in respect of any offence arising or being committed in the course of such carrying or other proceeding under this Act; and it shall be sufficient if any goods or other things which are set out in any indictment shall be described and laid to be the property of the said company.

may sue and

VI. PROVIDED always, and be it enacted, that nothing herein contained Provisions in shall in any case extend to charge or make liable any such company further to common to common or in any other case than where, according to the laws of this realm for the carriers to

apply to such companies.

Companies may contract with other canal companies. time being, common carriers would be liable; nor shall any the contained extend to deprive such company of any protection of which either now or at any time hereafter common carriers have entitled to, but such company shall from time to time and at all and be entitled to the benefit of every such protection and privilege.

VII. AND whereas, in order to facilitate the conveyance of merchandize and other matters and things in manner aforesaid, it is that canal and navigation companies should be empowered to arrangements with each other in the way that railway com authorized, so as to avoid the necessity for a change of boats delays arising from a diversity of interest: Be it enacted, that standing any thing in this Act or in any of the said Acts for or incorporating the said companies contained, it shall be law such canal or navigation company as aforesaid, and they are powered, from time to time to make and enter into any contract or with any other canal or navigation company, or the commissioner takers thereof respectively, (and which contract or agreement company is hereby authorized to enter into,) either for the divisio tionment of tolls, dues, and charges, or for the passage over or respective canals or navigations, or any branches thereof, or any tramways connected therewith and belonging thereto as afores boats, barges, or other vessels, or of any carriages or trucks drawn by steam, animal, or other power, of or belonging to any other of which shall pass along any other line of canal, navigation, or rail the passage over or along any other line of canal, navigation, or any such boats, barges, or other vessels, carriages, or trucks, drawn as aforesaid, which shall belong to any such company, or which along their line of canal, navigation, or railway, upon the paym tolls and duties, and under such conditions and restrictions, as may advisable and may be mutually agreed upon, and also to enter int contract with any other canal or navigation company that may advisable; and any such contract may contain such covenants, ditions, and agreements as the contracting parties may think ad mutually agree upon.

Companies may lease their tolls. VIII. And be it enacted, that it shall be lawful for any such car gation company, from time to time, by lease, to take effect in possessix months from the letting thereof, to let the tolls and duties, thereof, upon the whole or any part of any such canal or navigation (and which lease such other canal or navigation company is hereby to accept and enter into,) for any period not exceeding twenty-one the commencement of any such lease: Provided always, that no shall take place unless public notice of the intention to let such part thereof intended to be let, shall have been given by the coposing to let the same, by advertisement, at least fourteen days meeting of the directors or managers at which it shall be intended tolls.

IX. And be it enacted, that during the continuance of any sucrespective lessees named therein, and also all persons appointed

Lessees to be deemed collectors.

collect
she tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same powers to collect and recover such tolls, and be subject to the same powers to contect and records the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the company demising the same.

AND be it enacted, that if any such lease shall become void or voidable, Lessee making the to any stipulations therein contained for that purpose, by reason of removed. failure on the part of the lessee to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or Paid for twenty-one days after the same shall become payable, then, upon Paid for twenty-one days after the same snan become in the same to a price to order any constable, with proper Justice it shall be lawful for such justice to order any constable, with proper deliberation house, office, weighing Mistance, to enter upon any toll house, dwelling house, office, weighing dehine, or other building, with the appurtenances, belonging to the lessors, Temove from the same the lessee or collector or other person found therein, with his goods, and take possession thereof and of all property found belonging to the lessors, and deliver the same to them or any person appointed by them for that purpose.

AND be it enacted, that upon such possession being obtained it shall be Company may lawful for the company having made such demise to determine the lease (if any) in such case determine previously subsisting, and the same shall accordingly be utterly void, except lease; as to the remedies of the lessors for payment of the rent due, or in respect of any unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force; and in every such case, either during and relet tolls. such proceedings or on the termination thereof, the company may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

XII. PROVIDED always, and be it enacted, that this Act shall not apply to Act not to any canal or navigation the property wherein is vested in shareholders, nor shall the powers of leasing herein-before contained be exercised by any such shareholders, canal or navigation company, until a meeting of the shareholders thereof shall have been duly convened, in such manner as meetings are by their respective Acts of incorporation or settlement required to be called or are usually called, have been duly and it shall have been determined by a majority of two thirds of the votes of the shareholders in such meeting assembled, either in person or by proxy, where by such Acts of incorporation or settlement voting by proxy is allowed. to adopt the powers and provisions hereby granted, or such and so many of them as it shall at such meeting be determined shall be adopted, or to grant or accept any such lease, nor to any canal or navigation the property wherein is vested in one or more owner or owners, proprietor or proprietors, unless the owner or owners, proprietor or proprietors thereof shall determine to adopt the powers and provisions hereby granted, nor in either case until public notice of any such determination and intention shall have been inserted in the London Gazette in respect of canals or navigations in England or Wales, in the Edinburgh Gazette in respect of canals or navigations in Scotland, and in the Dublin Gazette in respect of canals or navigations in Ireland, and in some newspaper circulating in the county or counties wherein such canal or navigation, or some part thereof, shall pass, one month at the least previously to the exercise of any such powers, whereupon, or immediately after the expiration of such notice, every such company, or their respective committees, directors, or

or until owners have determined to adopt it, and notice published.

managers, or their agents by them duly authorized in manner afor from time to time put in force and exercise the said powers or any the manner by this Act authorized.

Act not to exempt canal companies from any general Act. XIII. AND be it enacted, that nothing herein contained shall be to exempt any canal or navigation company who shall adopt of this Act from the operation of any general Act, regulating the charging tolls and other charges upon canals or navigations in passengers, goods, animals, articles, and things, of a like description be passed in the course of any future session of Parliament.

CHAPTER XLVI.

An Act for the Appointment of additional Constables for keeping near Public Works in Ireland. [21st

HEREAS it is expedient to provide for the appointment a of additional head and other constables for keeping the pe the protection of the inhabitants and the security of property, is bourhood of railway works and other public works in Ireland: Be enacted by the Queen's most excellent Majesty, by and with the consent of the lords spiritual and temporal, and commons, in Parliament assembled, and by the authority of the same, that from the passing of this Act, in any case in which the works of any rai or other public work of a similar nature shall be in progress of con Ireland, upon the application of the company or other parties carry such public work, or upon the application of two or more justices of the county acting in the petty sessions of the district in or the any such public work may be in the course of construction, to w be made appear, on the oath of two or more credible witnesse appointment of additional constables for the keeping of the peace, protection of the inhabitants, and the security of property, in the hood of such works, is necessary in consequence of the behaviour of apprehension of the behaviour of the persons employed in the sa shall be lawful for the lord lieutenant or other chief governor or Ireland, if he or they shall so think fit, from time to time to orde that, in addition to the number of head and other constables wl lord lieutenant or other chief governor or governors of Irelan authorized to appoint by virtue of an Act passed in the sixth year of his late Majesty, intituled "An Act to consolidate the laws rel " constabulary force in Ireland," and the other Acts amending the number of head and other constables as he or they shall think fit, n in any case the number specified in any such application as afores appointed and employed during the construction of such public w of and in conjunction with the said constabulary force in such cou of a city, county of a town, or place, near to the said public v progress of construction, as shall be mentioned in the said orde remain there for such length of time, or remove to or remain a place or places near to such public works for such time or times,

mentioned or directed by such order, or any other order or orders

Additional head and other, constables may be appointed by the lord lieutenant to keep the peace near the works of railways, &c. in Ireland.

6 & 7 Will. 4. c. 13.

from time to time be made by such lord lieutenant or other chief governor or Bovernors or by the inspector general of the said constabulary force, under the control and directions of the said lord lieutenant or other chief governor or Rovernors; and such constables may in like manner, by any such order, be reduced in number, or wholly removed from the neighbourhood of such works; head and other constables so appointed shall, during the period of such head and other constables so appointed snau, during the same rights, beat, have the same amount of pay and allowances, and the same rights, powers and authorities, privileges, and advantages, and be subject to the same Drovisions and enactments, rules, regulations, and orders, and be in all respects the same situation in the county, county of a city, or county of a town in they shall be stationed, as far as the circumstances of the case will they shall be stationed, as far as the circumstances of the constability as if they had been appointed to and formed part of the constability of a city, or county of a to ce established in and for such county, county of a city, or county of a

AND be it enacted, that the inspector general of the said constabulary Expense of additional with the assistance of the receiver of the said force, shall from time to head and other time, or as often as he shall think convenient, prepare and certify under his be paid by the company the company of the expence incurred for the pay, salary, clothing the company and equipment, lodging, and other allowances of such men so appointed and or parties carrying employed as aforesaid, which expense, when approved and certified by the such works. chief or under secretary of such lord lieutenant or other chief governor or governors, the said company or parties, or their agent, shall, upon demand, pay to the said receiver, to be placed to the credit of the county, county of a city, or county of a town, in which such constables as aforesaid shall have been so employed.

III. AND be it enacted, that in all cases where the company or other parties If the company carrying on such public work shall refuse or neglect, during fourteen days next or parties neglect to after demand thereof, to pay any such expence, or any part thereof, as shall the expence, have been so certified and approved as aforesaid, the same shall and may be recovered sued for in any of the superior courts, at the suit of her Majesty's attorney at the suit of her Majesty's general for Ireland, as a debt due to her Majesty, or, upon production of such account, so certified and approved, before any two justices of the county, general for Ireland, or general for Ireland, as a debt due to her Majesty, or, upon production of such her Majesty's county of a city, or county of a town, in which such constables shall have been by distress so employed as aforesaid; and upon proof on oath of such demand made as and sale of aforesaid of such company or parties, or any officer superintending such public the goods of the company. works, and upon the application of the said receiver of the constabulary force, or any person by him authorized in writing, it shall be lawful for such justices, by their warrant under their hands and seals, (which they are hereby authorized and required to grant,) to cause the amount of such account to be levied, together with the expences of levying the same, by distress and sale of the goods and chattels of the company or other parties carrying on such public works as aforesaid; and the surplus, if any, arising from such distress and sale, after deducting the amount of such account, together with the reasonable expences attendant on such distress and sale, shall be rendered to the said company or parties.

neglect to pay

CHAPTER L.

An Act to facilitate the Recovery of Loans made by the West Commissioners. [21s

2 & 3 Will. 4. c. 125.

THEREAS by an Act passed in the session of Parliament second and third years of the reign of his late Majesty Kin Fourth, intituled "An Act for enabling his Majesty to direct " Exchequer bills to a limited amount for the purposes and i " therein mentioned; and for giving relief to Trinidad, British " Saint Lucie," it was (amongst other things) enacted, that it sho for the commissioners thereby appointed, and their successors, o them, to advance or lend Exchequer bills to the amount therein s owners of estates which had suffered injury from the causes the in the islands of Jamaica, Barbadoes, Saint Vincent, and Saint L the said commissioners should take such security or securities as tioned for the repayment of any such advances or loans at expiration of ten years from the time of such advances resp interest in the meantime after the rate of four pounds per centu to be paid in manner therein mentioned; and it was further en default should be made in repayment of all or any part of such los or of the interest thereof or any part thereof, any person duly the said commissioners might enter upon and take possession of upon which such loan should have been charged, and receive the and profits thereof, until the repayment of such loan and the in and all costs incidental to such taking possession, as therein me it was also enacted, that if any default should be made in repay any part of such loan or advance for which any mortgage should the said commissioners as a security, the said commissioners, or t or attornies to be appointed for that purpose, upon judgment to l should take possession of all or any part of the said mortgaged by sale or mortgage of the same or a competent part thereof rai as should be sufficient to repay all monies due on such loan or the interest thereof, and all costs attending such proceedings: An an Act passed in the session of Parliament holden in the fifth an of the reign of his said late Majesty, intituled "An Act for gran " the Island of Dominica; and to amend an Act of the second ar " of his present Majesty, for enabling his Majesty to direct " Exchequer bills to a limited amount for the purposes therein me provisions of the last-mentioned Act were extended to the Island so far as the same were applicable: And whereas by an Act p

session of Parliament holden in the third and fourth years of the present Majesty, intituled "An Act to amend two Acts of his

"King William the Fourth, for the relief of certain of her Majer and plantations in the West Indies," it was (amongst other this that it should be lawful for the said commissioners for the time in the execution of the said recited Acts, with such consent as tioned, to grant any extension of the time limited for the repay such loan or advance as aforesaid for any period not exceeding to the day originally fixed for payment thereof, with interest af aforesaid, so that every such extension of time be made on certain

5 & 6 Will. 4. c, 51.

3 & 4 Viet. c. 40.

therein mentioned as to the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to are the mode of repayment of such loan, and also subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subject to a subjec to an absolute power of sale of the hereditaments charged with any such loan, to be vested in her Majesty, her heirs and successors, in manner therein mentioned: And whereas by an Act passed in the seventh year of the reign her Present Majesty, intituled "An Act for giving additional powers to 7 & 8 Vict. the Commissioners for the relief of certain of her Majesty's colonies and of plantations in the West Indies," after repealing and altering certain Provisions contained in the last-recited Act respecting the granting be Provisions contained in the last-recited Act responses

be extension of time, it was by the Act now in recital enacted, that it should be lawful for the commissioners acting in the execution of the said recited any three of them, to make any transfer of any sum of money secured to her Majesty by virtue of any security made in pursuance of the seed to her Majesty by virtue of any security made in recited Acts respectively, and any interest thereon, and to convey the Data recited Acts respectively, and any interest thereon, and the properties for the same unto or in trust for any person or persons who should be a properties for the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or persons who should be a properties of the same unto or in trust for any person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or person or Pay all Principal monies secured by such mortgage security as aforesaid, and interest thereon, in manner therein mentioned: And whereas it is expedient to the some further provisions for facilitating the recovery of the principal and interest of any loans made or to be made in pursuance of the said recited Acts or any of them, and for making transfers of the securities for the same or any part thereof, and also to enable the said commissioners for the time being to compound any debts due to them or to her Majesty in respect of any such loans as aforesaid: Be it enacted by the Queen's most excellent Majesty, by If default be and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners for the time being acting in the execution of the said recited Acts, or any of the said Acts, or any person or persons for the time being acting under their direction, or any commissioners in aid appointed as by the said first-recited Act is mentioned, from time to time to make sale of all or any part of any hereditaments which have been or shall be taken possession of by them or him for nonpayment of any principal or interest, in pursuance of the provisions in that behalf in the said Act of the second and third years of the reign of his said late Majesty King William the Fourth contained, and (as regards any principal monies due) whether judgment shall have been entered up or not, as by the said lastmentioned Act is provided: Provided always, that no such sale shall be made unless for at least three calendar months previously to such sale there shall have been inserted in the London Gazette, and in such public newspaper or newspapers in the colony where the property shall be situated as the said commissioners shall direct, a notice of the intention of the commissioners to exercise their power of sale; and any such sale may be made at any time after such three months notice shall have been given; and any such sale may be made subject to such special conditions as to the title, or the deeds, copies, or other evidences to be produced, the evidence relating to the identity of the property sold, and the mode and times of payment of the money, as the said commissioners, or the persons acting under their direction, or the said commissioners in aid, shall think fit; and any contract for sale may be altered or rescinded by the said commissioners, or such persons respectively as aforesaid, in such manner in all respects as they shall think fit; and any part of the purchase money may be left on the security of all or any part of the heredita-

made in payment of loans or interest, premises mortgaged and taken possession of under recited Acts may be sold, conditions.

ments sold, or may be secured on any other security; and such see either be made to her said Majesty as by the said first-recited Act and with such powers and priorities as by the said first-recited Act or otherwise as the said commissioners shall think fit; and no other person shall be bound to inquire whether such possession we any monies were due on the security of the said hereditaments so such monies (when any such sale shall be made out of England) to such person or persons as the said commissioners shall, either be such sale, authorize to receive the same, whose receipts in writis sufficient discharges to the persons paying the same; but any mo any security to be made as last aforesaid shall be paid into England in manner directed by the said first-recited Act; and a which may be taken for any part of such purchase money may be otherwise transferred by the said commissioners in all respects as were an original security taken under the said recited Acts.

Commissioners may transfer portions of securities.

II. And be it enacted, that it shall be lawful for the commission time being acting in the execution of the said recited Acts from to make any transfer of any part of any sum or sums of money s owing to her Majesty under or by virtue of any security made i of the said recited Acts or any of them, and either before or after sums shall be actually due, and any interest thereon, and to conve or declare trusts of such proportionate part, either undivided or as they the said commissioners shall think fit, of the securities for sum or sums, unto or in trust for any person or persons who st discharge any part of the principal monies due or secured by susecurity as aforesaid, and the interest thereon; and any such sum money to be paid in consideration of such transfer as aforesaid s into the Bank of England, and in all respects as by the said first is provided with respect to the repayment of the monies to be virtue of the provisions of that Act; and the person or persons t such transfer or disposition as aforesaid shall be made, his or her tors, administrators, and assigns, shall, under and by virtue th extent to which the same shall be thereby conceded or granted commissioners, be entitled to all such and the same priorities powers, and securities, in respect of such monies and hereditames ferred and assured, as by the said recited Acts or any of them are Majesty, or the said commissioners or any of them, or which her s her heirs and successors, or the said commissioners acting in the the said recited Acts, would have had in case no such transfer had and that either subject and without prejudice to, or concurrently priority over, the priorities, privileges, powers, and rights of her s. her heirs and successors, and of the said commissioners, or any other whom any other part of the monies or securities may be tran assured, in respect of the residue of any such principal monies, and thereof, and the securities for the same, which shall remain due to in her said Majesty, her heirs and successors, or the said commissi so transferred and assured as aforesaid.

Commissioners may compound debts, with III. And be it enacted, that it shall be lawful for the commission time being acting in the execution of the said recited Acts, with

in writing of the lord high treasurer for the time being, or the commis- consent of sioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, by warrant under his or their hand or hands, to compound any debt or debts on account of any loan or advance made or hereafter to be made under or in pursuance of the said recited Acts or any of them, and to stay any proceedings for the recovery of the same, upon payment of such sum or sums of money, and upon such terms and conditions, as they may think fit, such sum or sums of money to be paid into the Bank of England in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of that Act; and that upon any such payment being duly made as aforesaid it shall be lawful for the said commissioners acting in execution of the said recited Acts to make and execute such releases and reconveyances of the debt which shall have been so compounded as aforesaid, and the interest thereof, and the securities for the same, as if the full amount of the debt so compounded, and all interest for the same, had been duly paid and discharged.

IV. And be it enacted, that any act, matter, or thing hereby authorized to Three combe done may be done by any three of the said commissioners for the time being, and that the execution of any deed or instrument, either in pursuance of this Act or of any of the said recited Acts, and whether already executed or hereafter to be executed, referring to or reciting any warrant, authority, or assent of the lord high treasurer, or of three of the commissioners of her Majesty's Treasury, either made in pursuance of this Act or of any of the said recited Acts, shall be evidence of such authority or assent; and the execution of any deed or other instrument, already executed or hereafter to be executed. purporting to be executed by the said commissioners or any three of them, shall be taken as evidence that such commissioners so executing were duly appointed.

V. AND be it enacted, that all and every the several clauses, powers, Provisions of provisions, enactments, penalties, and restrictions in the said Acts contained, to extend to so far as the same can be made applicable and are not varied by this Act, shall this Act. be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such clauses, powers, provisions, and enactments were herein repeated and set forth.

CHAPTER LVI.

AN ACT to alter and amend an Act passed in the Third and Fourth Year o the Reign of Her present Majesty Queen Victoria, intituled "An Act to enable the Owners of Settled Estates to defray the Expences of draining " the same by way of Mortgage. [31st July 1845.]

HEREAS by an Act passed in the third and fourth year of the reign of her present Majesty Queen Victoria, intituled "An Act to enable the owners of settled estates to defray the expences of draining the same by way of mortgage," after reciting that whereas much of the land in England and Ireland would be rendered permanently more productive by improved draining, and nevertheless, by reason of the great expence thereof, proprietors having a

& 4 Vict Q. 55.

limited interest in such land were often unable to execute that it was expedient, as well for the more abundant produ the increased employment of farming labourers, and the ex of capital in the permanent improvement of the soil, th should be relieved from such disability, due regard being of those entitled in remainder, it was amongst other thi should be lawful for any tenant for life, or for term of mentioned, entitled to any lands in England or Ireland, or guardians as therein mentioned, to apply by petition to her Chancery or Exchequer in England or Ireland for leave improvement in the lands to which he or she should be so en and by the said Act provision is made for the charging the ing on the lands so drained, and otherwise as in the said And whereas the advantages contemplated by the said re nished by reason of the costs attending the making such a charge as by the said Act is provided; and it is there reasons, expedient that the provisions of the said Act should should be re-enacted, with such modifications, extensions, are after mentioned: Be it therefore enacted by the Queen's m by and with the advice and consent of the lords spiritual and ten in this present Parliament assembled, and by the authority of the any proceedings under the said recited Act which at the time o Act shall be pending, the said recited Act shall be and is here Stat. Law Rev. Act, 1875.]

Recited Act repealed.

Tenants by curtesy, trustees, &c. may petition the Court of Chancery for leave to make permanent improvements by draining, &c. in lands in their possession.

III. And be it enacted, that any person entitled in poss as tenant by the curtesy, or for his own life, or any other years determinable on any life or lives, or any infant entit his guardian or next friend, or any idiot or lunatic entitled committee of his estate, or any married woman entitled a separate use by her next friend, or the husband of any marr as aforesaid in her right, or any feoffees or trustees for any c purposes, or any ecclesiastical or other corporation aggreg mortgagee or incumbrancer in fee in possession of the incumbered, or any person entitled in fee to any equity of possession of the land mortgaged, shall be at liberty to Court of Chancery, by petition to the lord chancellor or rolls, for leave to make any permanent improvements in such person or corporation shall be so entitled, or any part t the same with tiles, stones, or other durable materials, or l tion, or embankment in a permanent manner, or by erecting ings of a permanent kind incidental or consequential to such irrigation, or embanking, and immediately connected there such petition be at liberty to pray that the expence of permanent improvement may be made a charge on the inher under the provisions of this Act.

Such petition to be referred to the master, who shall report thereupon.

IV. AND be it enacted, that upon the presentation of an aforesaid it shall be lawful for the court, without requiring any counsel or solicitor, to refer it to one of the masters of make all necessary and proper inquiries, and consider all a

valuations as shall be produced before him in relation to the matter of such petition, and thereupon to report whether in his opinion it will be beneficial to all persons interested in the land that such permanent improvements should be made under the provisions of this Act.

V. AND be it enacted, that such report shall be filed in the report office of Master's report the said court, and if no special application to review the same shall be made within fourteen days after the filing thereof, it shall be lawful for the said mation thereof court, upon the petition of the party obtaining the same, and without the attendance of any counsel or solicitor, to confirm the said report absolutely, and may be made. thereupon to authorize or permit such permanent improvements to be made; and the master may thereupon certify that any person advancing money for the master the purpose of making such permanent improvements of the land under the that persons provisions of this Act will, upon its appearing to the said master that such sum money for imof money has been fully expended in making such improvements, or in paying provements will become the expence of obtaining the authority of the said court, become and be entitled to a entitled to a charge on the land for the repayment of the money advanced, with interest; provided that upon application to the court to confirm the The court may master's report it shall be lawful for the court, if in its opinion the case shall refer the case appear to require the same, to refer it back to the master to review his report, master. or to receive fresh evidence in support of the master's finding, or otherwise for the purpose of ascertaining in a more satisfactory manner whether it is proper to make the improvements proposed under the provisions of this Act.

VI. AND be it enacted, that the master, having granted such certificate as After endorseaforesaid, is to be at liberty to inquire and state what expences have been ment of master's certifiincurred in and about the application to the court, and making the necessary cate inheritance surveys, valuations, and estimates, and also to inquire and state what sums of the charged with money have been actually expended in such improvements; and the master, expences being satisfied as to the amount of such expences, may endorse upon the said certificate that it hath been made to appear to him that the whole or such part of the monies so advanced as aforesaid as upon the evidence shall appear to have been so advanced hath been fully expended in manner aforesaid, and upon such endorsement being made the inheritance of the said lands shall thereupon become and be charged with the payment of the said sum, with interest as from the time when the same was advanced; and such charge shall have priority over other charges, except tithe commutation rent-charges, and any quit or chief rents incident to tenure; and a memorial of every such certificate, Registry of charging hereditaments in the counties of Middlesex and Yorkshire in England, memorial of or any hereditaments in Ireland, may in all respects be registered as deeds are affecting lands now registered in Middlesex, Yorkshire, and Dublin respectively, and without in Middlesex, payment of any fee.

VII. And be it enacted, that such certificate as aforesaid shall be filed in Certificate to the report office, and a duplicate thereof, signed by the master, shall be be filed in the delivered to the person advancing the money, and shall be legal evidence of his and duplicate title to the money; and the security shall take effect as from the granting of the certificate.

VIII. AND be it enacted, that the money so to be advanced, or so much Money adthereof as shall from time to time remain unpaid, shall bear interest at such interest not rate as shall be agreed upon, not exceeding the rate of five per centum per exceeding five VOL. IX.

improvements Certificate to

back to the

Yorkshire, or

be filed in the

per cent.

annum, from the time when the same shall be advanced, and such is be payable half-yearly.

Principal to be repaid by equal annual instalments. IX. And be it enacted, that the principal money so to be advant repaid by equal annual instalments; and such annual instalments acase of improvements by drainage, warping, irrigation, or embankates than twelve nor more than eighteen in number, and shall, in improvements by the erection of buildings, be not less than fifter than twenty-five in number.

Person in possession of lands charged bound to pay interest and annual instalments of principal, during continuance of his title.

X. And he it enacted, that any person on whose petition such the made, and every succeeding tenant for life or other person has limited interest in the lands charged, shall be bound to pay the instalments which become from time to time due and payable dur tinuance of his title to the land, and on the termination of such the or otherwise the inheritance shall remain chargeable with no momenths arrears of interest then due, and one half of the last instalments thereafter to become due.

Buildings or works, &c. for irrigation to be kept in repair by tenant for life, &c.

XI. AND be it enacted, that every tenant for life or other perslimited interest shall be bound to keep in repair any buildings erecor embankments or works for irrigation constructed or made, unvisions of this Act, and as if he were tenant for life subject to infor waste.

Lord chancellor, &c. to make orders for facilitating proceedings.

Assent of occupier requisite for improvement of lands held by him.

XIII. Provided always, and be it enacted, that where any porproposed to be drained or otherwise improved or built on as afores in the actual occupation of any person, the consent in writing of shall be necessary in order to give validity to the application of the in respect of the land, any thing herein-before contained to the withstanding.

Appointment of surveyors and other persons to report or give evidence. XIV. AND be it enacted, that it shall be lawful for the mass require the evidence of a surveyor to be from time to time appoint to make such reports as to the matters to be referred to him, or think fit, to take the evidence of the surveyor appointed by any part to the court; and that it shall be lawful for the lord high chancell Britain and of Ireland respectively, and the lords commission keepers respectively, from time to time to appoint any persons retained the persons to report to or give evidence before the master to whom shall be referred:

CHAPTER LXL

An ACT to make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales. [31st July 1845.]

HEREAS an Act was passed in the last session of Parliament intituled "An Act to consolidate and amend the laws relating to turnpike trusts 7 & 8 Vict. " in South Wales": And whereas in pursuance of the said Act certain commissioners have been appointed to execute the powers and authorities thereby conferred, and to carry the same into execution; but the powers of the said commissioners will cease and determine by virtue of the said Act on the twenty-ninth day of September next: And whereas it is necessary that provision should be made for carrying certain parts of the said Act into effect after such commission shall have expired, and also that some further enactments should be made for more fully accomplishing the objects of the said Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in become county this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the pieces of road in the schedule marked (A.) to this Act annexed shall become and shall respectively be managed and maintained as part of the county roads of the counties in which they are respectively situate.

II. And whereas the several pieces of road mentioned in schedule (B.) to this Act annexed have heretofore been repaired and maintained as parts of certain turnpike trusts which extend respectively into two or more counties: And whereas it is expedient that such pieces of road should continue to be repaired and maintained under one uniform management, as heretofore: Be it Roads in therefore enacted, that the several pieces of road mentioned in the schedule become county marked (B.) to this Act annexed shall be and shall respectively be managed roads. and maintained, and for the purposes of this Act and the above-recited Act be considered, as part of the county roads of the several counties therein specified respectively.

III. AND whereas by an Act passed in the eleventh year of the reign of King George the Fourth, intituled "An Act for more effectually repairing and 11 Geo. 4 and " improving several roads in the counties of Brecon, Radnor, and Glamorgan, c. xxviii. " and for making and maintaining several new branches of road to communi-" cate therewith," the trustees for carrying the said Act into execution were empowered, amongst other things, to make and construct a certain line or branch of road commencing at or near Tavern-y-Prydd on the turnpike road leading from Builth to Llandovery, and thence crossing the rivers Dulas and Irvon, to Pontrhydverre, and from thence to the turnpike road leading from the confines of the county of Caermarthen to Llandovery, and which said new line of road would extend through the several parishes of New Church. Llangammarch, and Llanwrtid, subject to the provisions and regulations of the said Act: And whereas the said line of road has not yet been made, but the same, if now constructed, would afford a complete communication between Builth and Llandovery, and would be otherwise beneficial to the said county of Brecknock: Be it therefore enacted, that, subject to the provisions and Powers to restrictions contained in the said first-recited Act, all the powers conferred make branch upon the said last-mentioned trustees by the said last-recited Act, so far as nockshireunder relates to the construction of the said last-mentioned line of road, shall be last-recited

Act vested in county roads board, &c.

and the same are hereby vested in the county roads board of Brecknock, provided that such last-mentioned powers be said line of road be constructed and made within five year of this Act; and such road, when completed, shall be manages part of the county roads of the county of Brecon.

7 & 8 Vict. c. 91. s. 60.

IX. And whereas by the said first-recited Act it is am enacted, that no toll shall be taken, and that no money ari any turnpike roads shall be laid out in paving, repairing street, road, or highway within the limits of any city or town for which there shall not be any local Act, and which fixed and determined, for the purposes of this Act, with res city or market or borough town respectively, by the said ca the report and recommendation of the county roads board the county to which any such city or market or borough And whereas the limits of the several cities and market a which are subject to the powers and provisions of the said A and determined by the said commissioners in the manne prescribed; but it is expedient that power should be vested authority to vary or extend such limits in any particular time, as circumstances may require: Be it enacted, that af of the said commission it shall be lawful for one of her secretaries of state, if he shall think fit, by order under recommendation of the county roads board acting in and which any such city or market or borough town shall be time to vary or extend the limits which shall have been fix for the same respectively by the said commissioners as afor

Secretary of state may extend or vary the limits of towns fixed under recited Act after the commission has terminated.

XI. AND whereas doubts have arisen as to the description may be liable to toll according to the provisions of the said the denomination of caravans: Be it enacted, that no was other such like carriage shall be liable to toll as a carava being constructed on springs, unless the same shall be cur in the conveyance of passengers for hire.

springs not to be liable to tolk as caravans, unless employed to convey passengers for hire.

Waggons on

11 Geo. 4. & 1 Will. 4. c. 16. (private.)

XII. AND whereas under and by virtue of an Act pass year of the reign of King George the Fourth, intituled "I almost within the several parishes of Kidwelly, St. Mas "Ishmael, and Pembrey, in the county of Carmarthen," a was entered into between the commissioners for carrying of and the trustees of the Kidwelly trust, for constructing a landing a certain embankment across the Gwendraeth Faw county: And whereas such agreement has been only peffect: And whereas the Act constituting the said Kidwelly recently repealed under the powers conferred by the herein Act: And whereas it is expedient to vest in the county said county power to complete and carry out the said manner as it might have been had the said Kidwelly trust Be it therefore enacted, that the said county roads board may, if they shall think it expedient so to do, complete and

Carmarthen county roads board may carryout agreement

agreement with the commissioner acting under the Kidwelly Inclosure Act, in under lastlike manner as the trustees of the Kidwelly Turnpike Trust might have done; for construcand that such road along the said embankment, when completed, shall become tion of a certain and be a part of the county roads of the said county of Carmarthen.

shall become a county road.

XIV. And be it enacted, that the words used in this Act shall be construed As to interpreaccording to the same rules of interpretation as are prescribed in the said recited Act.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

1.- A piece of road leading out of the present turnpike road from Llandowror to Haverfordwest, at or near a place called Tavernspite, in the county of Pembroke, and joining a certain other turnpike road leading from Llandowror to Hobbs Point, at or near a place called the Red Roses, in the county of Carmarthen.

2.-- A piece of road lying between Carmarthen bridge and the toll gate

now called Pensarn Gate.

3.—A piece of road lying between the northern end of the bridge over the Towey at or near Llangathen and the main road from Carmarthen to Llandilo Fawr near the Broad Oak.

4.—So much of the road leading from Carmarthen to Lampeter as lies between the main turnpike road from Carmarthen to Llandilo and Glangwilly Bridge.

SCHEDULE (B.)

1.—A portion of the turnpike road between the towns of Brecon and Hay. of the length of half a mile or thereabouts, and lying within the county of Radnor, as part of the county roads of the county of Brecknock.

2.—All those parts of the turnpike road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the counties Brecknock and Monmouth respectively, as part of the county roads of the

county of Glamorgan.

3.—Two several portions of turnpike road lying in the county of Hereford, and situate respectively between the termination of the Mortimer's Cross Trust New Radnor, and also so much of the turnpike road between Knighton and Walton as lies in a certain detached part of the county of Hereford, as parts of the county of Radnor,

CHAPTER LXIII.

An Acr to facilitate the Completion of a Geological Survey of Gre and Ireland, under the Direction of the First Commissioner for being of Her Majesty's Woods and Works. [31st J

HEREAS sums of money have been from time to time granted priated by Parliament to the making a geological survey of Gre and Ireland, in connexion with a trigonometrical survey of Great progress under the direction of the master general and board of ord powers are vested in the said master general and board of ordnance tating the execution and completion of surveys under their cha whereas the union, under the board of ordnance, of surveys having connexion with each other, has in some instances been productive nience, and it has been deemed expedient to withdraw the geolog of the United Kingdom from the conduct of the master general an ordnance, and to place the same under the direction and supering the first commissioner for the time being of her Majesty's woods, for revenues, works, and buildings, subject nevertheless to the control high treasurer or commissioners for the time being of her Majesty's And whereas it is essential to the prosecution of such geological s the first commissioner for the time being of her Majesty's woods, for revenues, works, and buildings should have as ample powers for n completing the same as the master general and board of ordnance making and completing surveys in charge of the said last-mention Be it therefore enacted by the Queen's most excellent Majesty, by the advice and consent of the lords spiritual and temporal, and co this present Parliament assembled, and by the authority of the sam the purpose of making and completing a geological survey of the Kingdom, or any part thereof, it shall be lawful for any surveyor person appointed by or acting under the orders of the first commi the time being of her Majesty's woods, forests, land revenues, w buildings, and for any person assisting or employed by any surveyo person so appointed or acting under such orders as aforesaid, an hereby respectively authorized and empowered, from time to time, a in writing of the intention of entering shall have been given to the occupier, as the case may be, to enter into and upon the land of any person whomsoever, for the purpose of making and carrying on any survey authorized by the first commissioner for the time being of her woods, forests, land revenues, works, and buildings, and to break up of any part of such land for the purpose of ascertaining the rocks minerals within or under the same, and to take and carry away sp the rocks, strata, or minerals found therein, and to fix any post, st or object to be used in the survey in any such land, (except as h mentioned,) and to dig up any ground for the purpose of fixing any stone, or mark, and also to enter into or upon any land through such surveyor or other person so appointed or acting or employed a shall find it necessary to pass for the purposes of such survey, at a able time in the day, until the survey shall be completed: Provid that it shall not be lawful for any such surveyor or other person ap

l'ower to persons employed in geological survey to enter lands, break surface, and affix marks.

acting or employed as aforesaid to fix any object, post, stone, or mark within any walled garden, orchard, or pleasure ground, without the consent of the owner or occupier thereof: Provided also, that such surveyor or other persons Satisfaction to so appointed or employed as aforesaid shall do as little damage as may be in damage. the execution of the several powers to them granted by this Act, and shall make satisfaction to the owner or occupier, as the case may require, of such land, or the owner of any trees which shall be in any way injured, for all damages to be sustained in the execution of any of the powers of this Act, in case the same shall be demanded; and in case of dispute between the said surveyor or other persons appointed or employed as aforesaid, on the one hand, and the owner or occupier, as the case may be, on the other hand, as to the amount of damage sustained, the same shall be ascertained and determined by any two or more justices of the peace, in petty sessions assembled, of the county in which the lands or trees may be situate.

II. AND be it enacted, that if any person shall resist or wilfully obstruct or Penalty on hinder any surveyor or other person employed or assisting in the execution of obstructing any survey under the provisions of this Act, or shall take away or displace, or survey or wilfully deface or destroy, any stone, post, mark, or object which shall be set marks. and placed for the purposes of any such survey, every person so offending shall for every such offence forfeit and pay any sum not exceeding ten pounds, in the discretion of the justices before whom such offender shall be convicted.

III. AND be it enacted, that all damages awarded or agreed to be paid to Damages to be any owner or occupier of land, or owner of trees, for any injury sustained granted by under the provisions of this Act, shall be paid out of any aids granted by Parliament for Parliament for making or completing a geological survey of the United gical survey. Kingdom.

IV. And be it enacted, that all penalties and forfeitures inflicted or imposed Recovery of by this Act may be recovered in a summary way by the order and adjudication of any two justices of the peace for the county or place in which such penalty shall be incurred, on complaint to them for that purpose exhibited, and shall afterwards be levied, as well as the costs of proceedings for the recovery thereof, in case of nonpayment, by distress, poinding, or other legal process, and sale, of the goods and chattels of the offender or person liable to pay the same, by wairant of such justices; and such justices are hereby authorized and empowered to summon before them any witness, and to examine such witness upon oath or affirmation of and concerning all offences, penalties, and forfeitures under this Act, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the fine, penalty, or forfeiture for which such warrant or other legal process shall be issued, and the costs and expences of recovering and levying the same, shall be returned, upon demand, to the owner of the goods or chattels so seised or distrained; and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices to order the offender so convicted to be detained and kept in safe custody until return can be convemiently made to such warrant of distress, or poinding, or other legal process, unless the offender shall give security, to the satisfaction of such justices, for his appearance before such justices on such day as shall be appointed for the return of such warrant of distress, or poinding, or other legal process, such day not being more than seven days from the time of taking any such security,

and which security the said justices are hereby empowered to take, recognizance, caution, or otherwise; but if upon return of such warrs appear that no sufficient distress can be had thereupon, then it shall for such justices and they are hereby authorized and required, be under their hands and seals, to cause such offender to be committed of such county or place, there to remain without bail or mainprize for not exceeding two calendar months, unless such penalties or forfeitutively, and all reasonable charges, shall be sooner paid and satisfied penalties and forfeitures, when so levied, shall be paid and applied of any infirmary or charitable institution in the county in which shall be committed, in such manner as such justices respectively sand appoint.

Plea of general issue.

V. And be it enacted, that if any person shall be sued or prosecuthing done or executed in pursuance of this Act, or of any clause thing therein contained, such person may plead the general issue, a special matter in evidence for his defence.

Interpretation of terms.

VI. AND be it enacted, that in construing this Act the word shall be taken to include hundred, city, borough, town, townls burghs, royal parliamentary burghs, burghs of regality and bar parochial and other places, districts, and divisions, by whatsoever de the same respectively shall be known or called; the word "jus include all persons acting in the commission of the peace for an interpreted as aforesaid, sheriffs or stewards of counties or ste Scotland, and the sheriff and court of deemsters of the Isle of Man "owner" shall include all bodies politic, corporate, or collegis persons entitled to any estate or interest in possession; and the w shall extend to lands, grounds, hereditaments, and heritages, of ar description; and every word importing the singular number necessary to give full effect to the enactments herein contained, be extend and be applied to several persons or things as well as or thing; and any words importing the plural number only shall singular number; and every word importing the masculine gender necessary, extend and be applied to a female as well as a male.

CHAPTER LXIV.

An Act to amend certain Regulations respecting the Retail o Ireland. [31st

6 & 7 Will. 4. c. 38. s. 3.

WHEREAS by an Act of the sixth and seventh years of the relate Majesty King William the Fourth, intituled "An Act "an Act passed in the third and fourth years of the reign of "Majesty, intituled 'An Act to amend the laws relating to exc" and to the sale of wine, spirits, beer, and cider, by retail, in it is enacted, "that from and after the passing of this Act no person "who shall be duly licensed under any Act or Acts for granting ex

" to deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper, nor deemed a grocer within the meaning of the laws of the excise

" Ireland at or immediately before the passing of this Act, shall be

" take out any licence to retail spirits in the house or on the premises of such " retailer, or in any house or on any premises within one quarter of a mile of " the house or premises of such retailer, other than a licence to retail spirits " in quantities not less at one time than one pint, and to be consumed else-" where than in the house or on the premises of such retailer; and any licence " to retail spirits in any other manner, granted after the passing of this Act " to any such grocer or person so licensed as aforesaid, shall be wholly null " and void to all intents and purposes whatsoever": And whereas it is expedient that so much of the said Act as is above recited should be repealed, and that all excise licences to persons in Ireland to deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper, or to retail spirits in the house or on the premises of such retailer, or to be consumed elsewhere than in the house or on the premises where sold, should be granted in the same manner and at the same rates of duty as if so much of the said Act as is above recited had not been enacted: Be it enacted by the Queen's most excellent Majesty, by and with Sect. 8 of the advice and consent of the lords spiritual and temporal, and commons, in this repealed. present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act so much of the said Act as is above recited shall be repealed; and that [Rep., Stat. Law Rev. Act, 1875.] the excise licence to persons Excise licences in Ireland trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper, and for the retail of the excise licence to persons in Ireland to be retailers of spirits, not being land to be retailers of spirits after mentioned, to be drunk or consumed in or upon the granted under house or premises where sold, and the excise licence to retailers of spirits in 6 Geo. 4. c. 81. Ireland, being duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts, 3 & 4 Will. 4. chocolate, or pepper, and not selling spirits in any greater quantity at one c. 68. and time than two quarts, or any spirits to be consumed in the house or on the premises of such retailer, shall be severally granted in like manner and at the 6 & 7 Will. same rates of duty respectively, and under the same regulations, as the same are respectively applicable thereto and directed by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An " Act to repeal several duties payable on excise licences in Great Britain and " Ireland, and to impose other duties in lieu thereof, and to amend the laws " for granting excise licences," and by another Act of the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An " Act to amend the laws relating to the sale of wine, spirits, beer, and cider by " retail in Ireland," and by the said Act of the sixth and seventh years of the reign of his late Majesty King William the Fourth, save and except so much of the said last-mentioned Act as is above recited and hereby repealed,

spirits in Ire-

II. AND whereas the said Act passed in the sixth year of the reign of King 6 Geo. 4. c. 81. George the Fourth, and the licence therein mentioned to retailers of spirits in Ireland, being duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts. chocolate, or pepper, and not selling spirits in any greater quantity at one time than two quarts, or any spirits to be consumed in the house or on the premises of such retailer, require that the spirits sold under such licence shall be consumed elsewhere than in the house or on the premises of such retailer: Be it enacted, that from after the passing of this Act it shall be lawful for any Justices of the justice of the peace, or any chief or other constable, or overseer, within the peace, conlimits of his jurisdiction, to enter into any house or place kept by such retailer overseers, may

enter the houses of grocers in Ireland licensed to retail spirits to be consumed elsewhere than on the premises.

Penalty on persons obstructing justices, &c. or otherwise offending.

3 & 4 Will. 4. c. 68.

retailers under exempt from stamp duty.

as aforesaid for selling spirits or any other article, at any time which such house or place is kept open for any such sale as afores any such retailer, on demand of entrance by any such justice, chie constable, or overseer, opposes or obstructs such entrance, or delay such justice, chief or other constable, or overseer, into any such hou or if such retailer is found selling spirits by retail to be consum house or place, or harbouring any person who appears to be or to ha been drinking or tippling spirits therein, such retailer, over and a other penalty he incurs, shall forfeit and pay the sum of two pour sued for and recovered as any other penalty under the said recited third and fourth years of the reign of his late Majesty King V Fourth, and subject to the several provisions in the said recited A behalf; and on due conviction of any such offence as aforesaid th such retailer shall become forfeited.

III. AND whereas by the said Act of the third and fourth years of his said Majesty King William the Fourth persons in Ireland a an excise licence to sell spirits to be consumed in the house of premises where sold are required to enter into a certain bond to h Bonds required her heirs and successors, conditioned as therein mentioned: Be that such bond shall not be subject or liable to the payment of last-recited Act duty whatever, any thing in any Act or Acts to the contra standing.

CHAPTER LXVI.

An Act to enable Her Majesty to endow new Colleges for the A of Learning in Ireland. [31st

FOR the better advancement of learning among all classes of h subjects in Ireland, be it enacted by the Queen's most excellen and with the advice and consent of the lords spiritual and temporal, and this present Parliament assembled, and by the authority of the same, th Majesty shall be pleased by letters patent under the great seal of Ireland or more new colleges for the advancement of learning in Ireland, the conher Majesty's Treasury of the United Kingdom of Great Britain and I time being shall be empowered, by warrant under the hands of any three them, to charge the consolidated fund of the said United Kingdom, (after all preceding charges, and in preference to all future charges,) and to dire or paid thereout, such sum of money as shall be needed by the trustee mentioned for purchasing or providing lands, tenements, and hereditamen of such college or colleges, and for the necessary buildings, with the thereof, and for establishing and furnishing the same, not exceeding the hundred thousand pounds in the whole. [Rep., Stat. Law Rev. Act, 18]

II. And be it enacted, that the commissioners of public works for the time being shall be trustees for the purpose of purchasing as herein-after mentioned, any buildings, lands, tenements, or h that may be necessary for the said colleges and the sites thereof, and for the colleges. to be occupied therewith respectively, and for erecting thereon su ings, and for repairing, enlarging, and improving the same from t and for upholding and furnishing the same from time to time, f the said colleges respectively.

100,000l. out of the consolidated fund for building new colleges in Ireland.

Grant of

Commissioners of public works to be trustees for providing buildings and lands necessary

III. AND be it enacted, that for the purposes of this Act the said commis- Commissioners sioners of public works in Ireland for the time being, and their successors, shall to be a corpobe a corporation by the name or style of "The Commissioners of Public Works ration for the " in Ireland," and by that name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made, and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts and before all justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

IV. And be it enacted, that in order to enable the said commissioners of Power to compublic works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said colleges and the to purchase or sites thereof, it shall be lawful for the said commissioners, with the approval lands, &c. of the commissioners of her Majesty's Treasury, to contract and agree with any which may be person or persons, or body or bodies corporate, for the purchase or renting of said colleges. any buildings, lands, tenements, or hereditaments required for such colleges or the sites thereof, and also for the purchase of any subsisting leases, terms, estates, or interests therein, or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for her Majesty, her heirs and successors, in such manner and form as the said commissioners of her Majesty's Treasury shall direct.

V. And be it enacted, that the "Lands Clauses Consolidation Act, 1845," Lands shall be incorporated with this Act, except the clauses with respect to the solidation Act, purchase and taking of lands otherwise than by agreement: Provided always, except as to taking of lands that all things by the said Act required or authorized to be done by the otherwise than promoters of the undertaking may be done by any two of the commissioners by agreement, incorporated of public works in Ireland, subject to the approval of the commissioners of her with this Act. Majesty's Treasury in the cases provided by this Act.

VI. And be it enacted, that it shall be lawful for the said commissioners of Commissioners public works, if they shall be so directed by the commissioners of her Majesty's to obtain sur-Treasury, to employ the county surveyor, or any other competent surveyor veys, plans, and specificaor architect, to make a survey and estimate of any of the said proposed works, tions, and and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the commissioners of her Majesty's Treasury for their approval; and if the said commissioners of her Majesty's Treasury shall think On approval of fit to authorize the work in any such plan, section, or specification, or any works to be modification thereof which they may think proper, to be undertaken, they executed. shall, by warrant under their hands, direct the said commissioners of public works to execute such work, at and for an amount not exceeding a sum to be specified in such warrant; and the said commissioners of public works shall, upon receipt of such warrant, forthwith cause the construction of the work mentioned therein to be proceeded with.

submit same to Treasury.

VII. And be it enacted, that the said commissioners of public works shall Commissioners cause detailed accounts in writing of their proceedings under this Act, of the to lay accounts several sums received by them as such commissioners for the purposes of this before Parlia-Act, and of the sums expended by them for such purposes, and the mode of such expenditure, and the several works made or in progress under this Act, to be made up to the thirty-first day of December in each year; and such

Commissioners to account to Treasury when required, and to obey directions of Treasury.

Provisions of 1 & 2 Will. 4. c. 33. as to proceedings in actions by and against the commissioners of public works shall extend to proceedings in respect of matters under this Act. accounts shall be laid before both houses of Parliament with the first meeting of Parliament be then sitting, or if not, then within the first meeting of Parliament subsequent to the thirty-first day and the said commissioners shall, as often as they shall be required the commissioners of her Majesty's Treasury, transmit to the sioners of the Treasury like accounts, made up to such pericommissioners of the Treasury shall direct; and it shall be law commissioners of her Majesty's Treasury to give such directions think proper, defining the duties of the said commissioners of publisher all such directions as aforesaid which shall from the signified to them by the said commissioners of her Majesty's Treasury to give such directions as aforesaid which shall from the signified to them by the said commissioners of her Majesty's Treasury to give such directions as aforesaid which shall from the signified to them by the said commissioners of her Majesty's Treasury to give such directions as aforesaid which shall from the significant to the said commissioners of publishers.

VIII. AND be it enacted, that the several enactments conta passed in the second year of the reign of his late Majesty, inti " for the extension and promotion of public works in Ireland," relate to any action or suit to be commenced against the commis execution of the last-recited Act, or their secretary, or any per for any thing done by virtue of or in pursuance of the last-reci proceedings in any such action or suit, or any limitation of time mencing thereof, or any costs thereof, or any evidence to be gi any notice of action or suit or satisfaction or tender thereof, or suit to be commenced by the said commissioners, or any proce or the said commissioners suing or being sued in the name of or any abatement or discontinuance of any such action or suit, in which, or to the terms or conditions on which, any such acti be brought against the said commissioners, collectively or indivi secretary, shall be held to apply to and extend to any actio commenced against the commissioners of public works in In secretary, or any person or persons, for any thing done by pursuance of this Act, or to any proceedings in any such actio the limitation of time for the commencing thereof, or to any c to any notice of any such action or suit, or to any evidence to be or to any action or suit to be commenced by the said commissi works in the execution of this Act, or on account of or in pursua or to any proceedings in any such action or suit, or to the said suing or being sued in the name of their secretary for the time any abatement or discontinuance of any such action or suit, or which, or to the terms or conditions on which, any such action brought against the said commissioners of public works, colle vidually, or against their secretary.

Restraint on alienation of property by colleges. IX. And be it enacted, that it shall not be lawful for any the provisions of this Act to alien, mortgage, charge, or der tenements, or hereditaments to which it may become entitled, approval of the commissioners of her Majesty's Treasury, exclease for any term not exceeding thirty-one years from the tlease shall be made, in and by which there shall be received and during the whole of the term thereby granted, the best yearly reasonably be gotten for the same, without any fine or foregift.

X. PROVIDED always, and be it enacted, that no college shall be entitled to Visitors of e benefit of this Act, or deemed to be within the provisions thereof, unless it leges. declared and provided, in and by the letters patent constituting such llege, that the visitor or visitors of the said college shall be such person or rsons as it shall please her Majesty, her heirs and successors, from time to ne to appoint, by any warrant or warrants under the sign manual, to execute office of visitor; and that all the statutes, rules, and ordinances concerning Statutes, &c. government and discipline of such colleges shall be made or approved by Majesty, her heirs and successors; and that the president, vice president, Appointment, 1 professors shall hold their several offices during the pleasure of her jesty, her heirs and successors; and that the sole power of appointing the esident and vice president shall be vested in her Majesty, her heirs and cessors, and that the power of appointing the professors shall be vested in r Majesty, her heirs and successors, until the end of the year one thousand tht hundred and forty-eight, and afterwards as shall be otherwise provided Parliament, or, in default of any provision to the contrary, in her Majesty, r heirs and successors.

XI. AND be it enacted, that all the statutes, rules, and ordinances which Statutes made all be made or approved from time to time by her Majesty, her heirs and for the government and disciccessors, concerning the government and discipline of the said colleges respec- pline of the vely, which shall be in force at the beginning of every session of Parliament, colleges to be laid before nd which shall not have been before that time laid before Parliament, shall Parliament. om time to time, within six weeks after the beginning of every such session, e laid before both houses of Parliament by one of her Majesty's principal ecretaries of state.

XII. And be it enacted, that the said commissioners of her Majesty's Grant of reasury shall be empowered, by warrant under the hands of any three or annually out of anore of them, to charge the said consolidated fund of the said United Kingdom, consolidated fund of the said United Kingdom, after providing for all preceding charges, but having preference for all future dowing new harges,) and to direct to be issued or paid thereout by four equal quarterly colleges. ayments, on the fifth day of January, the fifth day of April, the fifth day of uly, and the tenth day of October in every year, such sums of money as shall e needed for defraying the several stipends which shall be by her Majesty ppointed to be paid to the president and vice-president, and to such professors n the several faculties of arts, law, and physic as shall be from time to time stablished by her Majesty, her heirs and successors, and to the bursar, regisar, librarian, and other office bearers and servants, in each of the said colleges. nd for defraying the expence of such prizes and exhibitions as shall be by her ajesty, her heirs and successors, awarded for the encouragement and reward f students in each of the said colleges, not exceeding in any one year the um of seven thousand pounds for every such college, or the sum of twentyne thousand pounds in the whole, the first instalment for each college to ecome due and payable on such of the said quarterly days of payment as hall first happen next after the grant of the letters patent for the establishment of such college.

XIII. And be it declared and enacted, that it shall be lawful for the pro- Fees may be fessors in each of the said colleges, in addition to the stipends with which they fessors for lecshall be so respectively endowed, to demand and receive from the students in tures in addithe said colleges such reasonable fees for attendance on their lectures, and for stipends, and

by bursar for matriculation and other proceedings. the bursar of the college to collect from the said students, on behalf said college, such reasonable fees for matriculation and other college ceedings, as shall be from time to time provided by the statutes, ruordinances so to be made or approved by her Majesty, her heirs and su as aforesaid.

Lecture rooms to be assigned for religious instruction.

XIV. And for the better enabling every student in the said col receive religious instruction according to the creed which he professes be it enacted, that it shall be lawful for the president and professors governing body of each of the said colleges which shall be constituted by the said letters patent to assign lecture rooms within the precincts college, wholly or in part, for the use of such religious teachers as recognized by such governing body, subject in each case to the app her Majesty, her heirs and successors, and also, subject to the like app make rules concerning the days and times when such religious ins shall be given therein, and for securing that the same shall not interf the general discipline of the college; provided always, that no stud be compelled by any rule of the college to attend any theological le religious instruction other than is approved by his parents or guard that no religious test shall be administered to any person in order t him to be admitted a student of any such college, or to hold any office or to partake of any advantage or privilege thereof; but this proviso be deemed to prevent the making of regulations for securing the due ance of the students for divine worship at such church or chapel as

Students not to be compelled to attend theological lectures, &c. not approved by parents, &c.

Where students shall dwell.

approved by their parents or guardians respectively.

XV. And for the better government of the students in the said col it enacted, that no student shall be allowed to continue in any of colleges unless he shall dwell with his parent or guardian, or with so relation or friend selected by his parent or guardian and approved president of the college, or with the tutor or master of a boardin licensed by the president of the college as herein-after provided, or founded and endowed for the reception of students and recognized college as herein-after provided.

Licences to tutors and masters of boarding houses.

XVI. And be it enacted, that every person who is desirous of being as a tutor or master of a boarding house in any of the said colleges sha in writing under his hand to the president of the college for his licenit shall be lawful for the president, if he shall think fit, to require of a applicant such testimonials of character and fitness for the office as satisfactory to him; and the application shall specify the house or belonging to or occupied by the applicant, and intended by him reception of students, and the number of students who may be conve lodged and boarded therein, and also the provision or regulation prop be made for securing to the said students the means of due attendance such religious instruction and divine worship as may be approved parents and guardians and recognized by the governing body of the and thereupon it shall be lawful for the president, in his discretion, t or withhold the licence for the academical year then current or the ensuing; and every such licence shall be registered in the archives college, and shall enure until the end of the academical year in w shall be registered, and shall then be of no force unless renewed nanner, but shall be revocable at any time, and may be forthwith revoked y the president of the college in case of any misbehaviour of such tutor or aster of a boarding house, or of the students under his care, which in the pinion of the president and a majority of the professors of the college ought be punished by immediate revocation of such licence,

XVII. AND be it enacted, that it shall be lawful for any person whomsoever Devises, beving power to make an absolute disposition thereof to give, grant, devise, queath, or assure, by any deed, will, or other instrument sufficient in law to halls for eate or convey an estate therein, any messuages, lands, tenements, and heretaments, or any estate therein, or any interest arising thereout, or any oney, chattels, and effects, to any trustee or trustees willing to accept the ust, or to the commissioners of charitable donations and bequests in Ireland nd their successors, in trust for founding and endowing halls for the reception students in any of the said colleges, and by such deed, will, or instrument establish rules or to specify the authority for establishing rules to be bserved by the students admitted to the benefits of such foundation, and to necify the authority by which the observance of such rules is to be enforced: rovided always, that no such hall shall be recognized by any of the said Proviso.

olleges unless the instrument of foundation shall provide that such rules, and 1so the appointment from time to time of the principal or other person holdng chief authority in such hall, shall be of no force until allowed by the person or persons appointed or to be appointed as aforesaid by her Majesty,

ner heirs and successors, to execute the office of visitor of the said college. XVIII. AND for the encouragement of persons willing to found and endow Commissioners nalls for the reception of students in the said colleges as aforesaid, be it of public works leclared and enacted, that if her Majesty, her heirs and successors, shall be loans to compleased, by letters patent under the great seal of Ireland, to incorporate any panies incorporate for number of persons willing to found and endow any such hall or halls as afore- founding halls, aid, such incorporated hall shall be deemed a public work for the promotion sions of of which the commissioners of public works in Ireland may make loans within 1 & 2 Will. 4. the meaning of an Act passed in the second year of the reign of his late Majesty, intituled "An Act for the extension and promotion of public works in Ireland," and of all Acts passed or to be passed for the amendment thereof; and that it shall be lawful for the commissioners of public works n Ireland to make loans to such incorporated bodies respectively for the x tension and promotion of such foundations, according to the provisions of the ast-recited Acts.

XIX. AND be it enacted, that it shall be lawful for any person whomsoever Devises, beaving power to make an absolute disposition thereof to give, grant, devise, establishment equeath, or assure, by any deed, will, or other instrument sufficient in law to of lectures or reate or convey an estate therein, any messuages, lands, tenements, and here-religious litaments, or any estate therein, or interest arising thereout, or any money. hattels, and effects, to any trustee or trustees willing to accept the trust, or the commissioners of charitable donations and bequests in Ireland, and their successors, in trust for establishing and maintaining lectures or other forms of religious instruction for the use of such students of the said colleges respectively as shall be desirous of receiving the same, subject to such regulations, consistent with the intentions of the donor thereof, as shall be made by the governing body of the college, and approved by her Majesty, her heirs and

Proviso.

Colleges to make reports to her Majesty, to be laid before Parliament. successors: Provided always, that no such gift shall take effect have been accepted by the governing body of the college, and under heirs and successors, shall have signified her or their regulations according to which such gift is to be applied.

XX. And be it enacted, that every such college which shall and endowed under this Act shall once at least in every year, ever her Majesty's pleasure shall be signified in that behalf Majesty their proceedings; and a copy of every such report shall both houses of Parliament within six weeks after the same smade, if Parliament be then sitting, or if not, then within six we the next meeting of Parliament.

CHAPTER LXVIII.

An Act to stay Execution of Judgment for Misdemeanors upon Error.

TYTHEREAS it is expedient to make provision for staying of judgment upon prosecution for misdemeanor while is depending to reverse such judgment; Be it therefore enacted most excellent Majesty, by and with the advice and conser spiritual and temporal, and commons, in this present Parliam and by the authority of the same, that in every case of judgm for a misdemeanor, where the defendant or defendants shall h writ of error to reverse such judgment, execution thereupon a until such writ of error shall be finally determined; and in case or defendants shall be imprisoned under such execution, or any been levied, either in whole or in part, in pursuance of such said defendant or defendants shall be entitled to be discharged ment, and to receive back any money levied on account of the person or persons in whose possession the same shall be, determination as aforesaid: Provided always, that no execu such judgment shall be stayed unless and until the defendan shall become bound by recognizance, to be acknowledged bef judges of her Majesty's Court of Queen's Bench, or one of the appointed to take special bail in actions depending in the super two sufficient sureties, to be approved of by such judge or co such sum as such judge or commissioner shall direct, to prosec error with effect, and in case the judgment shall be affirmed, forthwi said defendant or defendants to prison, according to the said judgment, ment shall have been adjudged [Rep., Stat. Law Rev. Act, 1875.]; recognizance shall, after justification of bail, be filed of record in of Queen's Bench, in like manner and upon payment of the lik case of other recognizances filed in the crown office in that of judge of the said Court of Queen's Bench, and the said com have the like powers in respect of the justifying such bail in examination of the sureties, and the like rules shall apply, as special bail in actions depending in such court: Provided alway case of any defendant under legal disability it shall be sufficient

Execution on judgments for misdemeanors to be stayed, and parties to be discharged, or fines levied to be repaid, where writ of error has been obtained.

Defendant to enter into recognizance.

to be approved of by such judge or commissioner, shall become bound by recognizance on the behalf of such defendant, to be acknowledged and conditioned as aforesaid.

II. AND be it enacted, that the clerk of the crown in the said Court of Certificate of Queen's Bench shall for the purposes herein-after mentioned make out and being duly filed. deliver to the defendant or defendants, or his or their lawful attorney, certificates in writing under his hand that such recognizance is duly filed of record in such court, upon payment of the like fee as for other certificates delivered at the crown office; and any such certificate, when duly verified by affidavit to be made before one of the judges of the superior courts of common law, or a commissioner duly authorized, shall be a sufficient warrant to every gaoler or other person having custody of such defendant or defendants in execution of such judgment to discharge him or them out of custody, and also to every person having in his possession the whole or any part of any fine levied in execution of such judgment to authorize and require the repayment thereof to the defendant or defendants; but no person who shall have received any such money, and have paid it over to any other person, according to the course of the Exchequer, shall be liable to repay to the defendant or defendants any part of the money so paid over.

IV. And be it declared and enacted, that when the judgment shall have Payment and been for payment of a fine, and imprisonment until such fine be paid, either recovery of a fine not to with or without imprisonment for a certain time, and the defendant or prevent imdefendants shall have paid the fine, or the same or any part thereof shall have fine again paid, been levied, and shall have been received back, under the provisions herein- if judgment be before contained, and the judgment upon writ of error brought shall be affirmed. the defendant or defendants shall not be entitled, by reason of such payment as aforesaid, to be discharged from imprisonment, notwithstanding the expiration of any certain time of imprisonment for which the original judgment shall have been given, until the fine shall be again paid.

VI. AND be it enacted, that this Act shall not extend to Scotland.

Act not to extend to Scotland.

CHAPTER LXIX.

AN Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland.

[31st July 1845.]

HEREAS by an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act to promote the drainage of lands, and 5 & 6 Vict. improvement of navigation and water power in connexion with such c. 89. drainage, in Ireland," it is amongst other things enacted, that if the proprietors of two thirds or more in extent of the lands proposed to be drained or improved by drainage under the provisions of the said Act should have assented in writing to the execution of the proposed works, the Commissioners acting in execution of said Act should make and sign a AOL IX

declaration describing the lands proposed to be drained or impr declaring the then actual value thereof, and the increase in such means of the proposed works, and the proportion in which such lan be chargeable towards the expence of the proposed works, such being fixed according to such actual value and such estimated i aforesaid, and also stating the several other matters and things in a said Act authorized and required; and it is by the said Act furthe that it should and might be lawful for the commissioners appointed said Act, from time to time as occasion should require, to borrow an at interest any sum or sums of money required for defraying the cost and expences to be incurred by them in the execution of any wo drainage and improvement of any land, or the navigation of any ri formation of any reservoir, under or by virtue of the said Act, an repayment of such sum or sums of money, with interest at a rate not five pounds per centum per annum, should be secured to the party 1 same upon the monies accruing to the said commissioners under or of the award to be made by the said commissioners as in the said tioned; and it is in and by the said Act further enacted, that conveniently might be after any works for the drainage or impre any land or the navigation of any river under the said Act, or work by the said Act authorized, should have been completed, th sioners should draw up an award or instrument in writing in the n form therein particularly mentioned and described, and that the sums of money which by the award of the said commissioners specified as the proportions or contributions payable in respect of parcels or portions of the land drained or improved by drainage, works under the said Act, towards the total amount of the sums e. and about such drainage or improvements as aforesaid, with interes respective sums of money at a rate not exceeding five pounds per c annum from the date of such award, should be charged on such seve or portions of the land so drained or improved as aforesaid, an preference to and with priority over all incumbrances on such land : nevertheless, that any quit or chief rent issuing thereout, or other in thereon, previously to the date of the said award, should have priori charges to the extent of the value of such land before the improver effected, but no further; and the same respective sums of money, interest for the same as aforesaid, should also be charged upon so mu other land situate within one mile of any part of the lands so improved, and settled with the lands so drained or improved to the intents, and purposes, by virtue of limitations contained in the san ment or the same set of instruments, as the said commissioners shoul said award, or any instrument under their hands and seals enrol rolls office, direct, limit, and appoint, having regard to the sufficien said lands to satisfy and secure the charge thereon, but subject, other land, to the full amount of all incumbrances affecting the sam the date of the said award: And whereas applications have been m said commissioners for the drainage of land, and the improvement of n and water power of several rivers and lakes, in Ireland, and underta works for those purposes are now in progress under the direction of commissioners: And whereas it is expedient and just that the monies to be charged upon lands by any such award as aforesaid shall take priority and have effect as to such lands from the date of the said declaration in and by the said Act authorized, instead of the date of the said award; and for the niore effectual attainment and extension of the benefits likely to arise from the said Act it is expedient to facilitate the raising of monies for the purposes thereof, and to amend the said Act in certain other respects as herein-after mentioned : Be it therefore enacted by the Queen's most excellent Majesty, by Apportioned and with the advice and consent of the lords spiritual and temporal, and expences of commons, in this present Parliament assembled, and by the authority of the recited Acts same, that in the case of all loans to be effected and declarations to be made and this Act to be charged on the said commissioners after the passing of this Act, under the provision of lands improved said recited Act or this Act, the respective sums of money which, by the as from date of declaration of award to be made by the said commissioners, shall be specified as the propor-commissioners; tions or contributions payable in respect of the several parcels or portions of the land drained or improved by drainage, or by any works under the said Act or this Act, towards the total amount of the sums expended in and about such drainage or improvements as aforesaid, with interest for such respective sums of money at the rate not exceeding five pounds per centum per annum, shall from the date of such declaration be charged on such several parcels or portions of the land so drained or improved as aforesaid, and that in preference to and with priority over all incumbrances on such land, save only that any quit or chief rent issuing thereout, or other incumbrance thereon, previously to the date of the memorandum of the registry of such declaration, as by this Act authorized and directed to be made by the said commissioners, shall have priority to such respective sums of money so charged to the extent of the value (as stated by the said commissioners in any such declaration) of such land before the improvements were commenced, but no further; and the same and, subject to respective sums of money, with such interest for the same as aforesaid, shall prior charges, be charged upon so much of any other land situate within one mile of any within one mile part of the lands so drained or improved, and settled with the lands so drained or improved to the same uses, intents, and purposes, by virtue of limitations settled to same contained in the same instrument or the same set of instruments, as the said commissioners shall by the said award, or any instrument under their hands and seals, and enrolled in the rolls office, direct, limit, and appoint, having regard to the sufficiency of the said lands to satisfy and secure the charge thereon, but subject, as to such other land as aforesaid, not being part of the lands so drained or improved, to the full amount of all incumbrances affecting the same prior to the registry of the memorandum of such declaration.

upon lands of lands improved, and

II. AND be it enacted, that the provisions in the said recited Act and this Provisions in Act contained, relating to the charge of any monies or interest on land situate to charge on within one mile of any part of the land drained or improved, shall be deemed lands to apply and construed to extend and apply to all land belonging to the same proprietor the same proas the land so drained or improved, situate within one mile of any part of the one mile of the lands so drained and improved, for all his estate and interest existing at the improved land. time of such declaration of the said commissioners as aforesaid.

III. And be it enacted, that if any proprietor shall prefer to give other Proprietor security in lieu of the lands so situate within one mile of the lands drained or other security 3 I 2

in lieu of land so situate.

The whole of the lands chargeable shall be described in the declaration.

The commissioners to cause memorandum as to lands subject to declaration to be drawn up in form in schedule (B.) and registered in registry of deeds in Dublin.

improved as aforesaid, such security shall be given within a time by public notice by the commissioners previous to the date of the aforesaid, any thing in the said Act to the contrary notwithstandi

IV. AND be it enacted, that the extent of the whole of the land which, under the provisions of said Act or this Act, may become with the monies expended in pursuance of the provisions there entered, stated, or described in every such declaration, as hereintioned, to be made by said commissioners; and when such declarationally settled a copy thereof shall be printed, and deposited with the peace, as in said Act directed.

V. And be it enacted, that so soon as conveniently may be after of any such declaration as in and by the said recited Act or this Ac as aforesaid the said commissioners shall draw up a memorandum o in writing, setting forth therein the several lands (with the count a city or town, and barony or parish in which the same may be si shall be the subject of or contained in such declaration, and also the proprietors of such lands respectively, and which memorandu ment shall be signed and sealed by the said commissioners, and be in the schedule marked (B.) to this Act annexed, or as near the circumstances of the case will admit; and the said commissioners same time sign and seal a memorial of such memorandum or directed to the registrar for registering deeds, conveyances, and wil and cause the memorial of such instrument to be registered in registry of deeds in the city of Dublin; and the registrar of said re his and their assistant, deputies, and other officers, are hereby au required to receive and register the same in such and the same ma deeds or instruments are registered in said office, and enter all suc of such instruments in the abstract books and indexes of or relati rials registered and kept in the said offices, subject to the payment as may now be lawfully demanded and received upon the registry of deeds in the said office.

VII. And be it enacted, that no appeal to any assistant barrany declaration to be made by the said commissioners shall be handice in writing of such appeal be lodged with the secretary of the missioners at their office in Dublin, within twenty-one days not publication of such declaration.

VIII. AND be it enacted, that when the said commissioners is to borrow or raise at interest or shall have borrowed any sum of the powers for that purpose given by the said recited Act or this and may be lawful for the said commissioners, if they shall so include in such loan as well the principal sum estimated to be reinterest which may be agreed to be paid thereon during the intersuch loan and the making of the award relative to the works for loan may have been contracted, such interest to be payable to otherwise as the said commissioners shall think fit; and all sums for payment of interest shall be secured in like manner as the profession of which the interest shall have been so provided for as aforesaid.

No appeal against declaration, unless notice in writing be given to commissioners within 21 days after declaration.

Power to borrow money to pay interest, pending execution of works, on principal sum borrowed for works.

Such money to be secured in same way as principal sum.

IX. AND be it enacted, that from and after the passing of this Act it shall Certificates of not be necessary that any transfer of the right or interest in or to any sum transferred by secured by any certificate heretofore issued or hereafter to be issued under the endorsement. gaid recited Act or this Act shall be in any specified form; and that every person who shall be entitled to the money secured by any such certificate may transfer his right and interest to the principal sum and interest money thereby secured to any person by endorsement thereon; and that all rights and remedies of the person so endorsing in, to, or in respect of such certificate shall, after such endorsement, be vested in the person to whom such transfer shall be made; and that it shall not be necessary that the said transfer or endorsement shall be produced or certified to the secretary of the said commissioners, or for the said secretary to make an entry thereof, as in and by the said recited Act directed.

X. AND be it enacted, that it shall and may be lawful for the said commis- Commissioners sioners, in any case where they shall so deem fit, to make any certificate or set certificates of certificates granted under the said Act or this Act for the whole of the payable within monies required to be borrowed for such case payable at any time (to be fixed as herein-after provided) intervening between two periods to be stated in such certificates; and it shall be lawful for the said commissioners to alter the form of the certificate provided by the said Act to suit the circumstances of each case, and such certificate so varied shall be equally good and effectual as if the same were according to the form by said Act prescribed.

certain periods.

XI. And be it enacted, that where more than one certificate for any such Commissioners case shall be so issued and made payable between two such periods as aforesaid, the commissioners shall, as soon as may be convenient after the final order in which settlement of their award, give notice in the Dublin Gazette, and in such other newspapers and by such other means as they shall think fit, to the holders of such certificates, of their intention, on a day and hour in said notice to be fixed. not sooner than fourteen days from the publication thereof, to hold a ballot for the purpose of determining the order in which such certificates shall be paid off; and upon the day and at or after the hour named the commissioners shall accordingly proceed to make such ballot in presence of such (if any) the holders of such certificates, or their agents or representatives, as shall attend at such ballot, and if none of such persons shall attend then in the absence of such persons; and the result of such ballot shall be recorded in the office of the said commissioners, and noted upon all such of the said certificates as shall be then or subsequently produced to the said commissioners; and such record and notification shall be signed by the secretary for the time being of said commissioners, and all such certificates shall be paid off in the order so to be determined by such ballot.

certificates shall be paid.

XII. And be it enacted, that in all cases of certificates issued in the mode The commisherein-before prescribed, and also in all cases where, pursuant to the provisions sioners may, on notice, pay off of the said recited Act, the commissioners are empowered or required to borrow certificates. money at a lower rate of interest than the certificates which for the time being shall be in force shall bear, and shall issue like certificates at such reduced rate of interest, it shall and may be lawful for the said commissioners, and they are hereby required, to publish a notice or notices in the Dublin Gazette, and in such other newspapers as they shall deem fit, fixing a time, not sooner than months from the date of such notice, when the principal money secured by

Commissioners may invest funds in their hands remaining unapplied.

Power to sue and be sued.

Commissioners may in declarations, &c. refer to maps, schedules, &c.

Assents of proprietors to be in the form in schedule (A.)

Production of assents by commissioners to be proof of execution.

Officers to give security.

any or the whole of such certificates shall become payable, the order in which, in pursuance of the provisions of this recited Act, such certificates shall have been made payable; a the certificates to become payable shall be described by the na or work for which they have been issued, and the number, lett fixed by said commissioners on such certificates; and it shall said commissioners, at the expiration of the time in such not off the monies due on account of such certificates named in from and after the expiration of the time appointed by said non the principal monies secured by such certificates shall cease

XIII. AND be it enacted, that it shall be lawful for the so from time to time to invest in any of the public or gove securities, in their names as such commissioners, or in the nattary for the time being, for the benefit of the parties interest (but without risk to the said commissioners,) any sums of mother purposes of the said recited Act or this Act which may remaining unapplied.

XIV. And be it enacted, that the said commissioners may cases sue and be sued in the name of the secretary of the opublic works in Ireland for the time being for and on behalf missioners; and that in all indictments or criminal or civil name of the commissioners of drainage shall be a sufficient desaid commissioners; and that no such action or suit at law abate or be discontinued by the death or removal of such secretary for the time being shall always be deemed the plain in such action or suit (as the case may be).

XV. AND be it enacted, that it shall and may be lawful for missioners, in making any declaration or award, or doing at this Act or the said recited Act authorized, to do so in and maps, plans, and schedules, or otherwise, as they may think he

XVI. And be it enacted, that the assents of proprietors at the said recited Act shall be in the form in the schedule annexed, or as near thereto as the circumstances of each case that the assent of every proprietor given under his hand in to all intents and purposes, be conclusive against and binding prietor of and all persons interested in the lands of such proposed which such assent shall be given, and also upon and against respectively.

XVII. AND be it enacted, that the production of such as the office of the said commissioners shall be deemed and takes law and equity as good and sufficient proof thereof, and of the thereof, without any further or other evidence of the execution

XVIII. And be it enacted, that every clerk, collector, receive to be appointed or employed under the said recited Act or this required so to do by the said commissioners, give such security for the time being of the commissioners of public works in Ireleas shall be determined on by the commissioners acting in executed Act and this Act, conditioned for the due performance of such duties and works for which such person or persons shall

so appointed or employed as aforesaid, or in such other condition as the commissioners of drainage may think proper and require; and each security shall and may be sued upon and enforced by the secretary of commissioners of Public works for the time being for and on behalf of the said commissioners of

drainage.

XIX. AND be it enacted, that the respective sums of money which shall Security for become chargeable under any award to be made by the said commissioners in advanced. respect of any district as to which the said commissioners have heretofore made a declaration, and as to which money has been borrowed and taken up by them for the execution of any work in such district, shall, for the purpose of securing the money so borrowed and taken up by the said commissioners. be charges on the lands to become chargeable therewith as in said Act mentioned, but with priority over all charges created on such lands after the Dassing of this Act.

XX. AND be it enacted, that the extent in value of the land drained or Value of lands improved before the improvements were effected in said Act mentioned shall before improvements combe construed, deemed, and taken to be the value thereof before the improve-

ments were commenced.

XXI. AND be it enacted, that the said recited Act shall continue and be in Interpretation full force and effect, save and except so far as the same is altered by or inconsistent with this Act, and that the said recited Act and this Act shall be construed together as one Act; and that in the construction of this Act, except where the nature of the provision or the context of this Act shall exclude such construction, the words "lands," "river," "person" or "persons," "proprietor" or "proprietors," "quit or chief rent," and "counties," shall be construed to extend and be applied as in said recited Act is directed and provided; and every word importing the singular number only shall extend and be applied to several persons and things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; the words "said commissioners" shall mean the commissioners or any two of them acting in execution of the said recited Act and this Act; and the word "proprietor" in the said recited Act and this Act, in addition to the meanings in the said recited Act applied to it, shall also mean the reputed proprietor.

sums heretofore

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Drainage Acts, Vict. c.

ASSENT.

District of

WHEREAS, under the provisions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act to promote the drainage of " lands, and improvement of navigation and water power in connexion with " such drainage, in Ireland," and of another Act passed in the eighth and ninth years of the reign of her present Majesty amending the sproposed to drain and improve by drainage certain lands within the designated by the commissioners for the execution of the said Act the of the county of the said Act the certain maps, plans, sections, estimate, and schedules have been lodge suance of the provisions of said first-recited Act, for public inspects successive weeks, as thereby directed, at the county of the certain maps, plans, sections, and essigned by the commissioners for the execution of the said maps, plans, sections, and essigned by the commissioners for the execution of the said maps, plans, sections, and essigned by the commissioners for the execution of the said maps, plans, sections, and essigned by the commissioners for the execution of the said maps, plans, sections, and essigned by the commissioners for the execution of the said maps, plans, sections, and essigned by the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the said Act the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commissioners for the execution of the commis

And whereas I, the undersigned, am a proprietor, within the ter Act, of some of the lands within said district, and comprised in said that is to say, in the townlands of

Now these presents witness, that I have assented and do hereby such proprietor, to the execution of the works for the drainage and ment by drainage of the lands within said district by the said compursuant to the provisions of the said Acts.

Witness my hand, this

day of

day of

184

Present

The undersigned, being tenant of of the a whose concurrence in the above assent is required under the provis said Act, do hereby consent to the execution of the said works.

Witness my hand, this

184

Present when signed by

SCHEDULE (B.)

MEMORANDUM of a Declaration under the Drainage Act
District of , county of

We, the commissioners acting in execution of an Act made an the sixth year of the reign of her present Majesty Queen Victor [here set forth title of the original Act], and also of another Act p eighth and ninth years of the reign of her present Majesty amendin have heretofore, to wit, on the day of 18 declaration in the manner by the said Acts or one of them directed schedule hereunto annexed we have set forth the several lands wis subject of or contained in the said declaration, as well as the na proprietors of such lands respectively.

In witness whereof, &c.

Signed, sealed, and delivered by the said

In presence of

Townland.	Barony or Parish.	County, County of a City or Town.	of P
			ni i
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CHAPTER LXX.

AN ACT for the further Amendment of the Church Building Acts.

[31st July 1845.]

THEREAS an Act was passed in the fifty-eighth year of the reign of his Majesty King George the Third, intituled "An Act for building and 58 Geo. J. promoting the building of additional churches in populous parishes": And whereas another Act was passed in the fifty-ninth year of the reign of his said Majesty King George the Third, intituled "An Act to amend and render more 59 Geo. 8. effectual an Act passed in the last session of Parliament, for building and c. 134. promoting the building of additional churches in populous parishes": And whereas another Act was passed in the third year of the reign of his Majesty King George the Fourth, intituled "An Act to amend and render more 3 Geo. 4. effectual two Acts, passed in the fifty-eighth and fifty-ninth years of his late Majesty, for building and promoting the building of additional churches in opulous parishes": And whereas another Act was passed in the fifth year of the reign of his said Majesty King George the Fourth, intituled "An Act 5 Geo. 4. to make further provision, and to amend and render more effectual three Acts, passed in the fifty-eighth and fifty-ninth years of his late Majesty and in the third year of his present Majesty, for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the session of Parliament holden in the seventh and eighth years of the reign of his said Majesty King George the Fourth, intituled .. An Act to amend the Acts for building and promoting the building of 7 & 8 Geo. 4. « additional churches in populous parishes": And whereas another Act was passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act to 1 & 2 Will. 4. amend and render more effectual an Act passed in the seventh and eighth years of the reign of his late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional churches in populous " parishes'": And whereas another Act was passed in the session of Parlia- 2 & 3 Will. 4. ment holden in the second and third years of the reign of his said late Majesty, to render more effectual the aforesaid Act passed in the fifty-ninth year of the reign of his Majesty King George the Third: And whereas another Act was passed in the session of Parliament holden in the first year of the reign of her present Majesty Queen Victoria, intituled "An Act to prolong for ten years 7 will. 4. & her Majesty's commission for building new churches": And whereas another Act was passed in the session of Parliament holden in the first and second vears of the reign of her said Majesty Queen Victoria, intituled "An Act to 1 & 2 Vict. amend and render more effectual the Church Building Acts": And whereas c. 107. another Act was passed in the session of Parliament holden in the second and third years of the reign of her present Majesty, intituled "An Act to make 2 & 3 Vict. better provision for the assignment of ecclesiastical districts to churches or c. 49. " chapels augmented by the governors of the bounty of Queen Anne; and for other purposes": And whereas another Act was passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, intituled "An Act to further amend the Church Building Acts": And 3 & 4 Vict. whereas another Act was passed in the session of Parliament holden in the c. 60. seventh and eighth years of the reign of her present Majesty, intituled "An 7 & 8 Viet. "Act concerning banns and marriages in certain district churches and chapels": c. 56.

Substitution in certain cases of new church for old parish church, &c.

Transfer of glebe lands, tithes, and endowments,

Claims of persons to pews in the old church to be investigated; and if proved, such persons to bave pews in

And whereas it is expedient that some of the provisions of the here recited Acts should be amended: Be it therefore enacted by the Que excellent Majesty, by and with the advice and consent of the lords and temporal, and commons, in this present Parliament assembled, an authority of the same, that, notwithstanding any limitation or restr other thing contained in the herein-before recited Act passed in the tl of the reign of his late Majesty King George the Fourth, where a ne has been already built or shall hereafter be built in any parish or parish, or ancient or parochial chapelry, and where the bishop of th and the patron and incumbent of such parish, district parish, or parochial chapelry shall at any time certify to her Majesty's commiss building new churches that it will be for the convenience of suc district parish, or ancient or parochial chapelry that such new chui duly consecrated, should be substituted for the old or existing situate therein, it shall be lawful for the said commissioners, by a ment under their common seal, with the consents of such bishop and incumbent, under their hands and seals, to declare that s church, being duly consecrated, shall be substituted for such old or church, and to transfer the endowments, emoluments, or rights below such old or existing church, or to the incumbent or minister thereof new church, and to the incumbent or minister thereof, and his succes it shall be lawful in every such case for the trustees (if any) of su existing church, or of any rights, emoluments, or endowments thereto, or to the incumbent or minister thereof, and they are hereby and indemnified for so doing, to transfer the same according to the di the said commissioners; and immediately from and after such tr glebe lands, tithes, and other endowments, emoluments, fees, and p every matter or thing, whether real or personal, and all rights and wherewith any such old or existing church is or was at the tim substitution endowed, or to which the incumbent or minister there is entitled, shall be vested in and belong to the incumbent or minis time being of such new church, and his successors, in as ample a n the incumbent or minister of the old or existing church might have the same if such transfer had not taken place, and the incumbent or of such old or existing church shall thereupon be, to all intents and the rector, vicar, perpetual curate, or minister, as the case may be, of church, instead of rector, vicar, perpetual curate, or minister of suc existing church, without any presentation, institution, induction, col other form of law being had, observed, or required; and such new cha thereupon have the same rights and privileges as such old or existing and such offices of the church as were performed and celebrated in su existing church shall be performed and celebrated in such new chi such new church shall be to all intents and purposes in lieu of th existing church; and at any time within six months after the subst such new church for the old or existing church the bishop of the dio of his own mere motion issue, or, if thereunto required by any person to hold a pew or seat free of rent in such old or existing church by f prescription, shall issue, a commission under his hand and seal, direct archdeacon of the archdeaconry in which such old or existing church situate, and to any two incumbents of parishes situate within such arch- the new deaconry, and to any two laymen nominated by the churchwardens of such the same old or existing church, who are hereby required to nominate for such purpose terms as in two fit persons not claiming any such pew or seat as aforesaid; and such commission shall direct the commissioners thereby appointed to inquire into the rights of persons, if any, who claim to hold any such pews or seats as aforesaid; and the said commissioners, or any three or more of them, of whom the said archdeacon shall be one, shall, as soon as conveniently may be, proceed to examine into such claims, after giving fourteen days previous notice thereof, by affixing a copy of such commission on the church door of such new church; and such notice, signed by such archdeacon, shall specify the day and time and 1,lace on which such examination is to be made; and after making an examination into such claims the commissioners so appointed, or the majority of them, shall, under their hands transmit in writing to the said bishop the names and residences of the persons who have substantiated their claims to such pews or seats, and if the said bishop is satisfied therewith he shall assign, under his hand and seal, to such parties respectively, convenient pews or seats in such new church, and such seats so assigned shall be held and enjoyed by the parties entitled to the same in as free and ample a manner as the pews or seats to which they had or would have been entitled in such old or existing church; and if any party shall find himself aggreeved by the finding of such commission the bishop of the diocese shall have power to afford redress, by allotting to such party seats in such new church, if the justice of the case shall in his judgment require it; and the old or existing church, if such bishop shall think Old church fit, may thereupon be wholly or partly pulled down, under a faculty to be down, &c. granted for that purpose; and the said bishop shall in that case take care that Tombstones, all tombstones, monuments, and monumental inscriptions in such church so &c. to be pre-pulled down are as far as may be preserved by the churchwardens, at the transferred to expence of the parish, or if it shall seem fit to the said bishop the same shall new church. be transferred to the church so substituted as aforesaid, at the expence of the said parish or district parish, or ancient or parochial chapelry, as the case may be; provided that in case such new church shall have been built wholly or in part out of the funds placed at the disposal of her Majesty's said commissioners ander the provisions of the herein-before recited Acts or any of them, and such transfer shall have been made, rents for the pews or seats in such new church shall only be fixed by her Majesty's said commissioners under the provisions of such Acts for that number of seats therein which shall exceed the number of seats provided in such old or existing church: Provided always, that nothing herein contained shall authorize the substitution of any new church in lieu of the old or existing church as aforesaid, when the advowson of or right of nomination to such new church shall belong to any other body or person than to the patron of such old or existing church, without the consents in writing of the patron and incumbent or minister of such new church.

II. And be it enacted, that the rector, vicar, perpetual curate, or minister of Incumbent such old or existing church next succeeding after such transfer, and his successors, shall be and is hereby declared to be the rector, vicar, perpetual curate, or cessors to be minister, as the case may be, of such new church; and the body or person new church. who for the time being would have had a right of presenting or appointing Right of the incumbent or minister of such old or existing church, in case such transfer presentation.

had not been made, shall in lieu thereof, when any vacancy or and the like right of presenting or appointing the incumbent such new church as such body or person would have had with old or existing church.

Where part of a cathedral church has been used as a parochial church, a transfer of the rights, endowments. &c. belonging to such parochial church may, with certain consents, be made by the church building **commissioners** to a new church, &c.

Provisions herein-before contained to apply in such case.

Part of cathedral church vacated to remain part of cathedral, and be repaired accordingly.

Repairs of new church.

A parish heretofore united with another may be disunited after a new church has been built therein. and formed into separate parish, in the same manner as a district formed out of an existing parish under recited Acts and this Act.

IV. And be it enacted, that where any part of the cathed been accustomed to be used as a parochial church, it shall be Majesty's said church building commissioners, with consent of t commissioners for England, and with the consents of the bisho and of the dean and chapter of such cathedral church, and wi also of the patron and of the incumbent or minister of such chu the rights, emoluments, tithes, and other endowments (if any) particularly specified belonging to the incumbent of such chu church which has been or hereafter may be built, and which is parish where such part of such cathedral is, or is deemed to church; and in case of such transfer the same provisions her tained, touching the rights and privileges, succession and appoint incumbent or minister of such new church, and the performance therein, and the examination into the claims of parties claiming or seats by faculty or prescription in the old parish church, a ment of pews or seats to those who have substantiated such cla before mentioned, shall apply to such new church which after shall become the parish church in lieu of the former parish chur to such cathedral; and such new church and the incumbe thereof shall, from and immediately after such transfer, be and in all respects to the same ordinary and other ecclesiastical j superintendence as the old parochial church and the incumbe thereof respectively were or otherwise would have been subjepart of the cathedral church so vacated shall thenceforth remain to be part of the cathedral church itself, in the same manner ar it had never been used as a parochial church, and shall thence to the same control and superintendence, and to the same law as exist and are in force with respect to the cathedral church parish shall thenceforth be exempt from all further liability (i the same in repair: Provided always, that the party or parties repair of the said part of the said cathedral church, whilst i as a parochial church, shall continue to be liable to the repairs church.

V. And be it enacted, that where at the passing of this Ac any consecrated church in one of two parishes which may have years next before the passing of this Act united, or reputed united, for ecclesiastical purposes, and where a new church has hereafter be built wholly or in part out of any funds at the day Majesty's said commissioners in the said parish in which there is church as aforesaid, the whole of such parish may, after the such new church, be disunited for ecclesiastical purposes from the and may be formed into a separate and distinct parish for such the same consents, in the same manner, and under and subject provisions and consequences as are mentioned and contained

before recited Acts or any of them, or in this Act, relative to the formation of a distinct and separate parish, where the same is formed out of one parish not united with another parish.

VI. AND be it enacted, any thing in the herein-before recited Acts or any Appointment of them to the contrary notwithstanding, that in all cases not otherwise wardens for expressly provided for two fit persons shall be annually appointed churchwardens for the church of every district chapelry or consolidated chapelry consolidated already or hereafter to be formed under the provisions of the herein-before chapelries. recited Acts or any of them, or this Act, such persons residing within the district chapelry or consolidated chapelry; and the first appointment of two such persons shall, with respect to the church of any district chapelry or consolidated chapelry already formed as aforesaid, take place within two calendar months after the passing of this Act, and with respect to a chapelry district or consolidated chapelry to be hereafter formed as aforesaid, within two calendar months after the formation of the same; and the first appointment of such persons, in either of such cases, shall take place at a meeting of the minister of such church and the householders of the district, to be summoned in all respects as such minister shall direct; and every subsequent appointment shall take place at the usual period of appointing parish officers, at a meeting to be summoned in all respects as if such district were a parish and such meeting were a parish vestry meeting; and in each such case one of such persons shall be chosen by the then incumbent or minister serving such church, and the other by the householders, or the majority of such householders, residing in such district chapelry or consolidated chapelry; and the two persons, when so appointed and elected churchwardens, shall appear and be admitted according to law, and shall collect and receive the rents of the pews and seats in every such church, and pay the stipend or salary assigned by her Majesty's said commissioners to the minister and clerk of such church, if the said commissioners have fixed the rents for the same, or assigned such stipend or salary. and shall also do, perform, and execute all lawful acts, matters, and things necessary for and concerning the management, good order, and decency of behaviour to be kept and observed in such church by the congregation thereof. and for the recovery of such pew rents, if in arrear; and the money given at the offertory at such church shall be disposed of by the minister and churchwardens of such church, in the same manner as the money given at the offertory at any parish church is by law directed to be disposed of by the minister and churchwardens of such parish; and the persons so to be appointed and chosen churchwardens shall continue in their said office until others shall be appointed and chosen in like manner in their stead.

VII. AND be it enacted, any thing in the herein-before recited Acts or any Appointment of them to the contrary notwithstanding, that in all cases not otherwise of churchexpressly provided for two fit and proper persons shall be annually appointed wardens for a new church churchwardens for any new church (without a district) already built or here-district), the after to be built upon a site whereof her Majesty's said commissioners shall site whereof have accepted the conveyance under the provisions of the herein-before recited has been Acts; and the first appointment of such persons shall take place within two by the comcalendar months after the passing of this Act with respect to a church already built and consecrated, and within two months after the consecration of a church to be so hereafter built; and the next appointment of such persons, in

missioners.

either of such cases, shall take place at the next usual period of appointing parish officers; and in each such case one of such persons shall be chosen by the minister of such church, and the other by the renters of pews therein, or by the majority thereof, at any meeting, to be summoned in all respects as minister of such church, or (if there shall be no minister) as the churchward going out of office, shall direct; and the two persons, when so appointed___ elected churchwardens, shall appear and be admitted according to lashall collect and receive the rents, if any, of the pews and seats in an church, and pay the stipend and salary, if any, assigned by the said comsioners to the minister and clerk of such church, and shall also do, p and execute all lawful acts, matters, and things necessary for and conthe management, good order, and decency of behaviour to be kept and ol in such church by the congregation thereof, and for the recovery of rents in such church, if the same are in arrear; and the persons appointed and chosen churchwardens shall continue in their said or others shall be appointed and admitted in like manner in their stevided always, that if there are no rented pews in such church the man such church shall appoint both churchwardens: Provided also, tha new church is made the church of a distinct and separate parish, distridistrict chapelry, or consolidated chapelry, the several provisions of the before recited Acts or this Act touching the appointment and election wardens for the same, and their powers and duties in each such thenceforth respectively apply to such church.

Appointment of churchwardens if new church be made the church of a parish, &c.

No churchwarden under this Act to be so for other duties than are herein mentioned, nor to be by virtue of his office overseer of the poor.

59 Geo. 3. c. 134.

Union of contiguous parts of parishes, and extra-parochial places, into consolidated chapelries. VIII. Provided always, and be it enacted, that no church wardens a under the provisions of this Act shall be churchwardens for any other than for those herein-before mentioned; but all other legal duties appet to the office of churchwardens shall be discharged within such district or consolidated chapelry, and in respect of the church thereof, an respect of any such new church as aforesaid without a district, by the wardens who would have discharged the same if this Act had not be and that no churchwardens appointed under the provisions of this in virtue of such office be deemed overseers of the poor.

IX. AND whereas it is expedient to explain and amend the proviherein-before recited Act passed in the fifty-ninth year of the res late Majesty King George the Third, touching the formation of cchapelries: Be it therefore enacted, that where a population together at the extremities of and locally situate in parishes or chial places contiguous to each other, at a distance from the respecof such respective parishes or extra-parochial places, and where shall hereafter be a consecrated church in any of such parishes or chial places so circumstanced and situated as aforesaid, it shall be the said commissioners, with the consent of the bishop of the dioc parishes or places are situate in different dioceses, then with the respective bishops thereof, signified under his or their hands and se with the consents also in like manner signified of the patrons of such re parishes or extra-parochial places, to represent to her Majesty in cour expediency of uniting any such contiguous parts of such parishes or p the whole of such extra-parochial places, into one consolidated chap such church with respect to all ecclesiastical purposes, and such represe shall contain a description of such boundaries as may appear advisable to her Majesty's said commissioners for such consolidated chapelry, ; and if thereupon her Majesty in council shall think fit to order such consolidated chapelry to be so formed, such order shall be good and valid for the purpose of forming the same, ; and (save and except in those cases where at the time of such consolidation such church was either the church of a rectory or vicarage, and then the said church shall retain its original character,) the church of such consolidated chapelry shall be deemed a perpetual curacy, and shall be considered in law as a benefice presentative, so far only as that the licence thereto shall operate in the same manner as institution to any benefice, and shall render void other livings, in like manner as institution to any benefice, and the spiritual person serving the same shall be deemed the incumbent thereof, with exclusive cure of souls therein, and shall Minister to be have perpetual succession, and shall be and is hereby declared to be a body a perpetual politic and corporate, and he and his successors may receive, take, and hold such endowments in lands or tithes, or both, or any such augmentation, as shall be granted to him or them, in the same manner as any other incumbent is by law entitled to do; and every such incumbent shall be subject to all jurisdictions and laws, ecclesiastical or common, and to all provisions contained in any Acts of Parliament in force relating to such persons, and the church of every such consolidated chapelry shall be subject to the jurisdiction of the bishop within whose diocese and archdeaconry the communion table of such church shall be locally situated, and to all the laws in force concerning presentation and appointment to benefices and churches, and all other laws relating to the holding the same: Provided always, that where at the time of forming such consolidated chapelry the said church shall be full, the spiritual person filling such church shall be and remain incumbent of the said church and also of the whole consolidated chapelry.

X. AND be it enacted, that banns of marriage may be published, and Offices of the marriages, christenings, churchings, and burials performed, in the church of church may be performed every such consolidated chapelry so formed; and, notwithstanding any thing in churches contained in the herein-before recited Act passed in the fifty-ninth year of the chapelries, &c. reign of his late Majesty King George the Third to the contrary thereof, the fees arising therefrom shall, unless voluntarily relinquished by them or either Appropriation of them, belong to the incumbent and clerk respectively of the parishes out of of fees. which such consolidated chapelry shall have been formed under the provisions of this Act, during their respective incumbencies, or during the time the clerk shall retain his situation; and the incumbent of such consolidated chapelry formed under this Act shall keep an account of the fees so received, and shall every year pay over the same to such incumbents and clerks respectively who would have been entitled to them if such consolidated chapelry had not been formed; and after the next avoidance of such respective incumbencies, and after the situations of such respective clerks shall have become vacant, such fees shall belong and be paid to the incumbent of such consolidated chapelry and the clerk of the church thereof.

XI. And be it enacted, that where the church of such consolidated chapelry Pew rents shall have been built wholly or in part by means of the funds placed by Parand stipends liament at the disposal of her Majesty's said commissioners, it shall be lawful thereout for them, with the consent of the bishop of the diocese, to apply the provisions assigned to minister and

clerk, in any consolidated chapelry, where the commissioners have granted money for its erection.

Commissioners may in certain cases make grants in aid of the erection of charches for consolidated chapelries.

Vesting of the freehold of sites of churches, burial grounds, &c. of which the commissioners accept conveyances under recited Acts.

contained in the herein-before recited Acts passed in the fifty-eigh ninth years of the reign of his late Majesty King George the Thi the reservation of pew rents, and the assignment thereout of a st minister and a salary to the clerk, to the church of any such chapelry, and to the incumbent and clerk thereof.

XII. AND be it enacted, that it shall be lawful for her Majesty missioners to make a grant out of the available monies in their towards the erection of new churches in aid of the erection of any intended to be made the church of any consolidated chapelry, a population of the parish or extra-parochial place in which such chaptered may not amount to four thousand persons and upwards, at there may be church accommodation for more than one fourth of tants of such parish or extra-parochial place, provided that the chapelry to be formed under the provisions of this Act shall contation of at least four thousand persons, with church accommodation not more than one fourth of the inhabitants thereof.

XIII. And be it enacted, that in all cases the freehold of the church of which her Majesty's said commissioners may have acce accept a conveyance under the provisions of the herein-before reany of them (as to any church not yet consecrated, when the sa consecrated,) shall vest in the incumbent for the time being of s and the freehold of every burial ground of which the said commi have accepted or shall accept a conveyance under the provisions o before recited Acts or any of them shall, after the same shall consecrated, vest in the incumbent for the time being of the chur such burial ground shall belong, or if there shall be no such incu in such body or person as the said commissioners may with co bishop of the diocese in such special case direct, until there incumbent, and from and after that time then in such incumbent of the inhabitants of the place for which such burial ground was ac the freehold of any house, garden, and appurtenances, and land for and glebe of the spiritual person serving any church, of which th missioners may have accepted or shall hereafter accept a convethe provisions of the herein-before recited Acts or any of them, the incumbent or minister of such church for the time being; pr nothing in this Act contained shall authorize the interment of under any church.

59 Geo. 3. c. 134. s. 22. XIV. AND whereas it is by the said herein-before recited Act, p fifty-ninth year of the reign of his late Majesty King George the Tit that where the said commissioners should make a grant in aid of cemeteries not within the bounds of the parish for which the same provided, such cemeteries should, after consecration, be deemed parish for the use of which they should have been purchased or provided as it is expedient that the said commissioners should have the declaring that such land as shall be approved of by them for the provided not within the bounds of such parish or parishes, and whether a aid of the purchase of such land shall have been made or not

commissioners: Be it therefore enacted, that where any land shall have been Where land purchased or obtained for any new or additional burial ground not within the out of the bounds of the parish or parishes for the use of which the same shall have been obtained so purchased or obtained, it shall be lawful for the said commissioners, if they shall think fit, in accepting a conveyance of such land for the purposes afore-burial ground said, under the provisions of the herein-before recited Acts or any of them, to for any parish, declare in such conveyance, or by any other instrument under their common may declare seal, that such land shall, after the consecration thereof for the purposes afore- shall be part said, be and he deemed to be part of the parish or parishes for the use of of such parish. which such land shall have been so purchased or obtained, and, after consecration, such land shall be part of such parish or parishes accordingly for the purposes aforesaid.

XV. AND be it enacted, that when any district parish has been or shall Incumbent of hereafter be formed under the provisions of the herein-before recited Act original church passed in the fifty-eighth year of the reign of his late Majesty King George church of disthe Third, it shall be lawful for the incumbent of the parish out of which such district parish shall have been formed to resign voluntarily, with the consent nation shall of the bishop of the diocese, the church of such district parish, and such resig-avoidance of nation shall have the same effect as the avoidance or resignation of the parish church of orichurch, with respect to the performance of the offices of the church in the church of such district parish; and thereupon such district parish, and the of offices in church thereof, shall be a perpetual curacy and benefice, and shall be subject district parish. to the same laws as are in force with respect to district parishes where an avoidance or resignation of the church of the original parish shall have taken place.

XVI. AND be it enacted, that, any thing in the herein-before recited Act Boundaries of passed in the third and fourth year of her present Majesty to the contrary &c. may be not withstanding, it shall be lawful for her Majesty's said commissioners at any altered within time to alter the boundaries of a distinct and separate parish, district parish, after registradistrict chapelry, or consolidated chapelry, although five years may not have tion of the registered in the registry of the diocese; provided that such alteration of boundaries shall be subject to the same provisions, except as herein excepted. as are contained relative thereto in the herein-before recited Acts.

XVII. AND be it enacted, any thing in the herein-before recited Acts or any Church of a of them to the contrary notwithstanding, that the church of any district chapelry formed or to be hereafter formed under the provisions thereof. although such church may not have been augmented by the governors of the bounty of Queen Anne, and also any church now or hereafter to be augmented by any order of her Majesty in council ratifying any scheme of the ecclesiastical commissioners for England, and with a district chapelry assigned pelry augthereto, shall be and is hereby declared to be a perpetual curacy and benefice, ecclesiastical and the licence thereto shall operate in the same manner as institution to any benefice, and the minister duly nominated and licensed thereto, and his perpetual successors, shall not be a stipendiary curate, but shall be and be esteemed in curacy, and law to be a perpetual curate, and body politic and corporate, with perpetual perpetual succession, and he and his successors may receive, take, and hold to himself and themselves all such lands, tithes, and rent-charges as shall be granted unto or purchased for him or them by the said ecclesiastical commissioners for

additional

trict parish. and such resigoperate as an

district chapelry, though not augmented by governors of Queen Anne's bounty, and church of mented by the commissioners,

England, or otherwise, in the same manner as any other incur entitled to do; and such perpetual curate shall thenceforth h over the district chapelry so assigned, sole and exclusive cure of not be in anywise subject to the control or interference of the minister of the parish or place from which such district chabeen taken, any law or statute to the contrary notwithstar except as to any Easter dues and offerings which would no perpetual curate of such district chapelry if this Act had not I save and except also as to the fees, if any, reserved to the said the assignment of such district chapelry, which shall still conto and shall be paid over to him by the perpetual curate chapelry according to such reservation: Provided always, that contained shall alter or affect the right of nomination or appoing or hereafter to belong to any corporate body or person in church of any such district chapelry.

church of any such district chapelry.

XVIII. And be it enacted, that the licence of the minis serve a new church (without a district) already or to be hereaf or in part, by means of any monies at the disposal of her Maj missioners, under the provisions of the herein-before recited them, shall not be rendered void by reason of the avoidan church of the parish in which such new church is situate, un

shall be revoked by the archbishop or bishop who may have g

or by the successor of such archbishop or bishop.

XIX. AND be it enacted, that, any thing in the herein-before any them to the contrary notwithstanding, it shall not be not into the Bank of England any sums of money to be paid if hereditaments to be purchased or acquired by virtue of such them, although the same may amount to or exceed two hundred her Majesty's said commissioners shall require such sums to be Bank,) but the same may be invested in the names of trusted Act is provided in the cases when the amount thereof shall be of two hundred pounds; and in any declaration of trust to such monies the said commissioners may make such special prinvestment of such monies, and the appointment of new trusted otherwise, as they shall think fit.

XX. AND be it enacted, that in every case in which land or ments belonging to an incumbent in right of his church she conveyed by him to her Majesty's said commissioners, are purchase money is, under the provisions of the herein-bet passed in the fifty-eighth year of the reign of his late Majes the Third, directed to be paid into the Bank of England, or names of trustees, such purchase money shall, instead of being Bank of England, or invested in the names of trustees, governors of the bounty of Queen Anne for the augmentation tenance of the poor clergy, and be appropriated by the said benefice to which the land or other hereditaments so sold shall and shall be applicable and disposable by the said governor benefit and augmentation of such benefice, in such and the same with such and the same powers of investment in the purch

Right of nomination not to be affected.

Licence of minister of a new church (without a district) not void by reason of the avoidance of the parish church, unless revoked by bishop.

The purchase money of lands sold under the provisions of recited Acts need not be paid into Bank of England, though it may amount to or exceed 2001., but may be paid to trustees.

The purchase money of lands belonging to an incumbent in right of his living, and sold under 58 Geo. 3. c. 45., may be paid to and applied by the governors of Queen Anne's bounty for the benefit of the benefice.

exchange for other land and hereditaments, and otherwise, and with other powers and authorities, in all respects, according to the rules, orders, and constitutions for the time being in force for the management of the bounty of Queen Anne, as if the money so appropriated had been originally provided or appropriated by the said governors, out of the funds at their disposal, for the benefit and augmentation of the same benefice.

XXI. And be it enacted, that in all cases in which money shall be payable to Such purchase the governors of the bounty of Queen Anne under the provision last hereinbefore contained, such money shall be paid to the treasurer for the time being freesurer of of the said governors; and the receipt or receipts of such treasurer shall be an bounty, whose effectual discharge or effectual discharges for so much money as in such receipt receipt shall be a valid disor receipts shall be expressed to the person or persons paying the same; and charge. after obtaining such receipt or receipts the person or persons paying such money shall be absolutely discharged from all liability touching such money, and from all trusts relating thereto.

XXII. And be it enacted, that where her Majesty's said commissioners shall Apportionhave already formed or shall hereafter form any distinct and separate parish, bequests, &c., district parish, or district chapelry, under the provisions of the herein-before and also of recited Acts or any of them, or this Act, out of any parish or extra-parochial original parish place, it shall be lawful for the Court of Chancery, any thing in the herein- and district formed therebefore recited Acts to the contrary notwithstanding, on a petition being pre-out, to be made sented to the said court by any two persons resident in any such parish or extra-parochial place, (such petition to be presented, heard, and determined petition preaccording to the provisions of an Act passed in the fifty-second year of the sented under 52 Geo. 8. reign of his late Majesty King George the Third, intituled "An Act to provide c. 101. " a summary remedy in cases of abuses of trusts created for charitable pur-" poses,") to apportion between the remaining part of such parish or place and the distinct and separate parish, or district parish, or district chapelry, any charitable devises, bequests, or gifts which shall have been made or given to or for the use of any such parish or extra-parochial place, or the produce thereof, and in any such case to direct that the distribution of the proportions of such devises, bequests, or gifts, or the produce thereof, as shall be so apportioned shall be made and distributed by the incumbent or spiritual person sorving the church, or by the churchwardens of any such distinct and separate parish, district parish, or district chapelry, either jointly or severally, as the said Court of Chancery may think expedient; and it shall also be lawful for the said Court of Chancery to apportion between the remaining part of such parish or place as aforesaid, and such separate divisions or districts, any debts or charges which may have been before the period of such apportionment contracted or charged upon the credit of any church rates in such parish or place; and all such apportionments shall be registered in the registry of the diocese in which such parish or place shall be locally situate, and duplicates thereof shall be deposited with the churchwardens of such parish or place, and of each such division or district as aforesaid, and in all such cases the costs shall be at the discretion of the said court; and such apportioned debts or charges shall be raised and paid by the parish or place in which they may be apportioned in such and the like manner as the entirety was to be raised and paid, or in such manner and under such provisions and conditions as the said court shall direct, and when any securities may have been given for the same the court

by the Court of

Agreement as to right of nomination, entered into by bishop, patron, and incumbent of original parish, before building or consecration of any new church, to be binding. Assent of the commissioners to any conveyance or other instrument shall be testified by

Unless so testified, the instrument shall not be registered.

their seal.

Application of former Church Building Acts to this Act. XXIII. And be it enacted, that if before or during the building church, or previous to its consecration, the bishop of the diocese and and incumbent of the parish in which such new church has been on to be built shall enter into an agreement in writing that the right tion to such new church shall on its consecration belong to and by any body corporate, aggregate or sole, or by any person or agreement shall be binding on such respective parties, their such and assigns, and they shall be compellable to fulfil the same.

XXIV. And be it enacted, that no future conveyance to be said commissioners in pursuance of the herein-before recited Apprivity or any other future instrument thereby directed to be maprivity or assent, shall be valid and effectual unless and until thereto of the said commissioners shall be testified by any seal in being affixed thereto; but after such seal shall have been a instrument such instrument shall take effect as from the making no future instrument to which such seal is as aforesaid so affixed, and which is directed to be registered in the registry shall be so registered unless and until such seal shall have been so affixed.

XXV. And be it enacted, that the existing powers, privileges, and authorities contained in the herein-before first-recited Acts or any of them may be used and applied for the purpose of carrying this Act or the said Acts respectively into execution, mutatis mutandis, so far as the same are applicable thereto, and are not inconsistent with or repugnant to the provisions of this

CHAPTER LXXI.

An Act to extend certain Provisions in the Act for consoliding the Laws relating to Highways in England.

TYTHEREAS by an Act passed in the sixth year of the Majesty, intituled "An Act to consolidate and amend the laws relating " to highways in that part of Great Britain called England," after reciting that under Acts of Parliament theretofore made, and which might thereafter be made, for the inclosing of waste land, parcels of land had been and might be expressly allotted to parishes, or to the surveyor of the highways, for the purpose of obtaining materials for the repair of the highways in such parish, and the materials in such parcels of land had been and might be exhausted, it was enacted, that in such cases it should and might be lawful for the surveyor of such parish for the time being, by and with the consent of the vestry, and he was thereby authorized and required, with the consent in writing of the justices of the peace at a special sessions for the highways, to sell and convey to some person whose lands adjoin thereto, or, if he should refuse to purchase, to any other person, the said parcels of land from which the said materials had been so exhausted as aforesaid, at and for such price a the said justices might deem fair and reasonable, and with the money arisin therefrom, and with such consent as aforesaid, to purchase other lands in lie

5 & 6 Will. 4. c. 50. s. 48.

thereof: And whereas it is desirable to extend the provisions herein-before recited to other cases than those mentioned in the said Act: Be it enacted by Provisions of the Queen's most excellent Majesty, by and with the advice and consent of recited Act as the lords spiritual and temporal, and commons, in this present Parliament allotted for assembled, and by the authority of the same, that, from and after the passing repair of highof this Act, the recited Act, and all the provisions therein contained, shall apply and extend not only to the lands in the said Act specified, but to all lands belonging or which hereafter may belong to parishes, or to the surveyor lands held for of the highways, for the purposes aforesaid, which have been or hereafter shall be lawfully used for the purpose of obtaining materials for the repair of the highways in such parish, the materials in which lands have been or hereafter may be exhausted.

to sale of lands materials are exhausted. extended to all

II. And be it enacted, that the said Act and this Act shall be construed Recited Act together as one Act.

strued together.

CHAPTER LXXIV.

An Act to amend an Act of the Seventh Year of King William the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act. [31st July 1845.]

HEREAS by an Act passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act to prevent the 6 & 7 Will. 4. "advertising of foreign and other illegal lotteries," it is enacted, that if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or relating to the drawing or intended drawing of any foreign lottery, or of any lottery or lotteries not authorized by some Act or Acts of Parliament, or if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or for the sale of any ticket or tickets, chance or chances, or of any share or shares of any ticket or tickets, chance or chances, of or in any such lottery or lotteries as aforesaid, or any advertisement or notice concerning or in any manner relating to any such lottery or lotteries, or any ticket, chance, or share, tickets, chances, or shares. thereof or therein, every person so offending shall for every such offence forfeit the sum of fifty pounds, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information in any of his Majesty's courts of record in Westm inster or Dublin respectively, or in the Court of Session in Scotland. one mo iety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the use of the person who shall inform or sue for the same: And whereas the printers, publishers, and proprietors of divers newspapers have inadvertently printed and published some advertisements or notices of or relating to the matters in the said Act mentioned, or some of them, and many actions, suits, informations, and prosecutions have been brought and commenced against such printers, publishers, and proprietors, or some of them, by persons who sue, inform, and prosecute, as well on their own behalf as on behalf of her Majesty, to recover various penalties incurred or alleged to have been incurred under the provisions of the said Act; and it is expedient that all

Fines, &c. incurred under

recited Act to go wholly to her Majesty.

Fines, &c. may be sued for in

the name of

the attorney or solicitor

general in England or

Ireland, or

her Majesty's

advocate for Scotland, &c.

in the Court of Exchequer in

each country,

and not otherwise. III. And be it enacted, that from and after the passing of this penalties, and forfeitures imposed by or incurred or which may under the said recited Act shall go and be applied to the use of I her heirs and successors.

IV. Provided always, and be it enacted, that from and after the this Act every such fine, penalty, or forfeiture may be sued or proin the name of her Majesty's attorney general or solicitor general or Ireland, or of her Majesty's advocate general or solicitor general or of the solicitor of stamps and taxes in England or Scotlan solicitor of stamps in Ireland, or of any person to be authorized prosecute for the same by writing under the hands of the comm stamps and taxes, or in the name of any officer of stamp duti of debt, bill, plaint, or information, in the Court of Exchequer at in respect of any fine, penalty, or forfeiture incurred in Englan. Court of Exchequer in Dublin in respect of any fine, penalty, incurred in Ireland, and in the Court of Exchequer in Scotland any fine, penalty, or forfeiture incurred in Scotland; and, except before provided, it shall not be lawful for any person other than to inform, sue, or prosecute for any such fine, penalty, or forfeiture Provided always, that in no such proceeding as aforesaid shall protection, wager at law, nor more than one imparlance, be allowed.

CHAPTER LXXV.

An Acr to amend an Act passed in the Session of Parliamen Sixth and Seventh Years of the Reign of Her present Mai "An Act to amend the Law respecting defamatory Words

THEREAS by an Act passed in the session of Parliamen sixth and seventh years of the reign of her present Marcoy, intituled "An Act to amend the law respecting defamatory words and libel," it is amongst other things, enacted and provided, that the defendant in an action for a libel contained in any public newspaper or other periodical publication may plead certain matters therein mentioned, and may upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel; and it is thereby further enacted, that such payment into court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading except so far as regards the pleading of the additional facts therein-befor required to be pleaded by such defendant, as if actions for libed had not bee excepted from the personal actions in which it is lawful to Pay money int court under an Act passed in the session of Parliament held in the fourth yes of his late Majesty, intituled "An Act for the further amend ment of the lay

6 & 7 Vict. c. 96. s. 2.

3 & 4 Will. 4. c. 42.

" and the better advancement of justice": And whereas the said Act of the fourth year of the reign of his late Majesty relates only to proceedings in the superior courts in England, but by an Act passed in the session of Parliament held in the third and fourth years of the reign of her present Majesty, intituled "An Act for abolishing arrest on mesne process in civil actions, except in 3 & 4 Vict. " certain cases, for extending the remedies of creditors against the property of " debtors, and for the further advancement of justice, in Ireland," a like provision is made for payment of money into court in all personal actions pending in any of the superior courts in Ireland as is contained in the said Act of the fourth year of the reign of his late Majesty in regard to actions pending in the superior courts in England, with a like exception of actions for libel; and it is expedient to prevent any doubts as to the application of the said recited Act of the sixth and seventh years of the reign of her present Majesty to actions pending in the superior courts in Ireland which may be created by reason of the omission of a reference in the last-mentioned Act to the said Act of the third and fourth years of the reign of her present Majesty: Be it therefore enacted and declared by the Queen's most excellent Majesty, In actions for by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the in Ireland, same, that when in any action pending in the superior courts in Ireland for a dant pleads libel contained in any public newspaper or other periodical publication the matters defendant shall plead the matters allowed to be pleaded by the said first- 6 & 7 Vict. mentioned Act, and shall on filing such plea pay money into court as provided c. 96. and by such Act, such payment into court shall be of the same effect, and be into court, available in the same manner and to the same extent, and be subject to the such payment shall be of same rules and regulations now in force or hereafter to be made as to payment same effect as of costs and the form of pleading, except so far as regards the pleading of the libel had not additional facts so required to be pleaded by such defendant, as if actions for been excepted libel had not been excepted from the personal actions in which it is lawful to from 3 & 4 Vict. pay money into court under the said recited Act of the third and fourth years c. 105. s. 46. of the reign of her present Majesty. [-]

II. AND be it declared and enacted, that it shall not be competent to any Defendant defendant in such action, whether in England or in Ireland, to file any such not to file plea. without at the same time making a payment of money into court by way either in Engof amends as provided by said Act, but every such plea so filed without land or in Ireland without payment of money into court shall be deemed a nullity, and may be treated as paying money into court, such by the plaintiff in the action.

libels in news when defen-

by way of amends.

⁷a By 3 & 4 Vict. c. 105. s. 46., (which is rep., Stat. Law Rev. Act, 1875.) it was enacted as follows; "it shall be lawful for the defendant in all personal actions, (except ections for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation, or debauching of the plaintiff's daughter or servant,) by leave of any of the said superior courts where such action is pending, or a judge of any of the said superior courts, to pay into court a sum of money by way of compensation or amends, in such manner, and under such regulations as to the " payment of costs and the form of pleading, as the said judges, or such eight or more " of them as aforesaid, shall, by any rules or orders by them to be from time to time made, or der and direct." See now 16 & 17 Vict. c. 113. s. 75. &c.]

CHAPTER LXXVI.

An Act to increase the Stamp Duty on Licences to Appraisers; t Stamp Duties on Registry Searches in Ireland; to ame relating to the Duties on Legacies; and also to amend an Ac Session of Parliament, for regulating the Issue of Bank Notes

[4th A

55 Geo. 3. c. 184.

HEREAS under and by virtue of an Act passed in the fi of the reign of King George the Third, intituled "An Act " the stamp duties on deeds, law proceedings, and other writte " instruments, and the duties on fire insurances, and on legacies ar " to personal estate upon intestacies, now payable in Great Bri

5 & 6 Viet.

c. 82.

8 & 9 Vict. c. 2.

Duty on appraisers licences repealed,

and increased duty granted in lieu thereof.

" granting other duties in lieu thereof," certain stamp duties contained in a schedule to the said Act annexed were granted an able in Great Britain, and (amongst others) the duty of ten shill in respect of a licence to use and exercise the calling or occu appraiser, to be taken out yearly by every person who shall exe calling or occupation, or make any appraisement or valuation ch said Act with a duty, for or in expectation of any gain, fee, or re licensed auctioneers: And whereas under and by virtue of an A the fifth and sixth years of her present Majesty's reign, intituled " assimilate the stamp duties in Great Britain and Ireland, a " regulations for collecting and managing the same, until the " October one thousand eight hundred and forty-five," the granted and then payable in England under or by virtue of t recited Act were extended to and made payable in Ireland for a by the said last-recited Act, in lieu of certain stamp duties ther and the same duties have been granted and continued and are no Ireland for a further term, under and by virtue of an Act passed in session of Parliament, intituled "An Act to continue for three yes " duties granted by an Act of the fifth and sixth years of her pre " to assimilate the stamp duties in Great Britain and Ireland, " regulations for collecting and managing the same, until the " October one thousand eight hundred and forty-five": And expedient to increase the duty in respect of licences to be t appraisers in Great Britain and Ireland respectively: Be it there by the Queen's most excellent Majesty, by and with the advice of the lords spiritual and temporal, and commons, in this preser assembled, and by the authority of the same, that from and after this Act the said duty now payable in Great Britain and Ireland respect by virtue of the said several recited Acts or any of them, for or in respe to use and exercise the calling or occupation of an appraiser, shall cease

for and in respect of a licence to use and exercise the calling of an appraiser, to be taken out yearly by every person (exce auctioneer) who shall exercise the said calling or occup appraiser, or who, for or in expectation of any gain, fee, or

and the same is hereby repealed; and that in lieu thereof [Rep., Stat.] 1875. I there shall be granted, raised, levied, collected, and pa

Britain and Ireland respectively, unto and for the use of her Maje

and successors, the duty of two pounds,

make any appraisement or valuation chargeable by law with any stamp

IV. AND whereas under or by virtue of the said several recited Acts certain duties have been granted and are now payable in Great Britain and Ireland respectively upon legacies, and doubts have been entertained whether certain gifts by will or testamentary instrument are legacies liable to the said duties, and it is expedient to remove such doubts: Be it therefore enacted, that from Certain gifts and after the passing of this Act every gift by any will or testamentary instrument of any person, which by virtue of any such will or testamentary instrument to instrument is or shall be payable or shall have effect or be satisfied out of the legacies under personal or moveable estate or effects of such person, or out of any personal or Legacy Duty moveable estate or effects which such person hath had or shall have had power to dispose of, or which gift is or shall be payable or shall have effect or be satisfied out of or is or shall be charged or rendered a burden upon the real or heritable estate of such person, or any real or heritable estate, or the rents or profits thereof, which such person hath had or shall have had any right or power to charge, burden, or affect with the payment of money, or out of or upon any monies to arise by the sale, burden, mortgage, or other disposition of any such real or heritable estate, or any part thereof, whether such gift shall be by way of annuity or in any other form, and also every gift which shall have effect as a donation mortis causa, shall be deemed a legacy within the true intent and meaning of all the several Acts granting or relating to duties on legacies in Great Britain and Ireland respectively, and shall be subject and liable to the said duties accordingly: Provided always, that no sum of money Exemption of which by any marriage settlement is or shall be subjected to any limited by will in exerpower of appointment to or for the benefit of any person or persons therein cise of power specially named or described as the object or objects of such power, or to or marriage for the benefit of the issue of any such person or persons, shall be liable to the settlement. said duties on legacies under the will in which such sum is or shall be appointed or apportioned in exercise of such limited power.

V. AND whereas an Act was passed in the last session of Parliament, intituled "An Act to regulate the issue of bank notes, and for giving to the 7 & 8 Vict. "governor and company of the Bank of England certain privileges for a " limited period," and certain penalties are thereby imposed for offences against the Drovisions of the same Act, and it is expedient to provide for the recovery and application of such penalties: Be it therefore enacted, that from and after Recovery the passing of this Act all pecuniary penalties imposed by or incurred under under lastthe said last-recited Act may be sued or prosecuted for and recovered, for the recited Act. use of her Majesty, in the name of her Majesty's attorney general or solicitor general, or of any person authorized to sue or prosecute for the same by writing under the hands of the commissioners of stamps and taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information, in the Court of Exchequer at Westminster, in such and the same manner as any penalties imposed by any of the laws now in force relating to the duties under the management of the said commissioners; and it shall be lawful Penalties may in all cases for the said commissioners, either before or after any proceedings be mitigated or commenced for recovery of any such penalty, to mitigate or compound any such penalty as they shall think fit, and to stay any such proceedings after

compounded.

the same shall have been commenced, and whether judgment may have obtained for such penalty or not, on payment of part only of any such with or without costs, or on payment only of the costs incurred in suceedings, or of any part thereof, or on such other terms as such committee shall judge reasonable: Provided always, that in no such proceeding said shall any essoign, protection, wager of law, or more than one in be allowed; and all pecuniary penalties imposed by or incurred said last-recited Act, by whom or in whose name soever the same sh or prosecuted for or recovered, shall go and be applied to the Majesty, and shall be deemed to be and shall be accounted for as Majesty's revenue arising from stamp duties, any thing in any Act or any law or usage, to the contrary in anywise notwithstanding always, that it shall be lawful for the said commissioners, at their to give all or any part of such penalties as rewards to any person who shall have detected the offenders, or given information which led to their prosecution and conviction.

Application of penalties.

CHAPTER LXXVII.

HEREAS by an Act passed in the fifth year of the reign of K

An Act to make further Regulations respecting the Tickets of V delivered to Persons employed in the Manufacture of Hosiery Cases. 74th Au

5 Geo. 4. c. 96. s. 18.

the Fourth, intituled "An Act to consolidate and amend the " tive to the arbitration of disputes between masters and workmo enacted, amongst other things, that "with every piece of work gives " the manufacturer to a workman to be done there shall (if both " agreed) be delivered a note or ticket in such form as the said p " mutually agree upon": And whereas it is expedient that, so far persons employed in the woollen, worsted, linen, cotton, and manufacturers, such further provision should be made for delive a note or ticket of work as herein-after is expressed: Be it there by the Queen's most excellent Majesty, by and with the advice the lords spiritual and temporal, and commons, in this preserve assembled, and by the authority of the same, the when any manufacturer of hosiery, or the agent of any such manufacturer the materials to be wrought, such manufacture when any manufacturer of hosiery, or the agent when any manufacturer gives out to a workman the materials to be wrought, such manufacturer gives out to a workman time deliver to such workman a printed agent shall at the same time deliver to such workman a printed or agent shall at the same time deliver to such working the particulars of the written ticket, signed by such manufacturer, containing the particulars of the written and such workman, as in the schedul agr

Manufacturer of hosiery to deliver to workman with materials a ticket of particulars of work, as in schedule;

and to preserve a duplicate.

Ticket and duplicate to be evidence.

make or cause to be made, and shall preserve to be done shall have been completed or paid for, a duplicate of such II. And be it enacted, that in the event of any dispute between II. And be it enacted, that in the event of any facturer or his agent and the workman, such ticket, and the event of any facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman, such ticket, and the event of the facturer or his agent and the workman and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the workman are the facturer or his agent and the facturer or his agent are the facturer or his agent and the facturer or his agent and the facturer or his agent are the facturer or his agent and the facturer or his agent are the facturer or his agent and the facturer or his agent are the facturer or his agent and the facturer or his agent are the facturer or his agent and the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are the facturer or his agent are facturer or his agent and the workman, such states, thereof, shall be required to be produced, and shall, together thereof, shall be required to be produced, and shall, together affecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned therein or respecting the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all things mentioned the states of all the states of all things mentioned the state thereof, shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced, and shall be required to be produced.

ticket, signed by such manufacturer, containing the result of the ment between such manufacturer and such workman, as in the schedule to ment between such manufacturer and such working.

Act annexed; and such manufacturer or agent delivering such edule to be made, and shall preserve until the work ticket.

Act annexed; and such manded and shall preserve until the make or cause to be made, and shall preserve until the

III. PROVIDED always, and be it enacted, that where the subject of dispute When dispute relates to the alleged improper or imperfect execution of any work delivered to arises as a manufacturer or his agent, such piece of work shall be produced in order to execution the work to adjudication, or if not produced shall be deemed and taken to have been be produced. sufficiently and properly executed.

IV. And be it enacted, that if any manufacturer or agent shall neglect or Penalty on refuse to deliver such ticket to such workman as aforesaid with the materials for nonso given out, and if such workman shall complain thereof to any justice of the delivery of peace having jurisdiction in the place where the materials shall have been delivered out or where the workman shall reside, such justice may summon such manufacturer or agent to attend before two justices, at a time or place appointed for hearing the complaint, and set forth in the summons; and if the person to whom such summons so directed appears according to the tenor thereof, or if he does not appear, and the due service of the summons is proved, the said justices may proceed to hear and determine the complaint; and if such neglect or refusal as aforesaid be proved, either by the confession of the party complained against, or by the oath of the complainant or of any other credible witness or witnesses, such justices may convict such offender, and may upon such conviction adjudge him to pay such penalty, not exceeding five pounds, together with the costs attending the conviction, as such justices shall think fit, and the party so adjudged to pay such penalty and costs shall pay the same accordingly: Provided always, that in all convictions of adjudications Restriction on

under this Act one at least of the convicting or adjudicating justices shall be manufacturers a person not engaged in any manufacture, trade, occupation, or employment to justices.

such person. V. AND be it enacted, that if any of the parties to the said complaint shall Power of make oath before any justice having cognizance of such complaint that he or summoning witnesses, she believes that the attendance of any person as a witness will be material to the hearing of such complaint, such justice may summon such person, having been paid or tendered a reasonable sum for his expences, to appear and give evidence on oath, at a time and place set forth in the said summons; and Penalty on if any person so summoned shall not appear at the time and place set forth in witnesses for default. the said summons, and shall not make excuse for the default to the satisfaction of the justices there present, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such justices may adjudge such person so making default in appearing or refusing to give evidence to pay such penalty, not exceeding two pounds, as such justices shall think fit, and the party so adjudged to pay such penalty shall pay the same accordingly.

which this Act extends, and shall not be the father, son, or brother of any

VI. And be it enacted, that every summons required by this Act shall be Service of served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, twenty-four hours at least before the time appointed by the summons for such person to appear.

VII. AND be it enacted, that if any such penalty or costs so adjudged by Levying and any justices to be paid is not paid immediately upon adjudication, such justices application of penalty. may issue their warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same, for the amount thereof, with costs; and the proceeds of such distress, after paying the penalty and costs, and the costs

3 Geo. 4.

No certiorari allowed, nor distress unlawful for want of form.

Interpretation of Act.

of such distress and sale, shall be paid over to the person convicts said penalty shall be paid over to the sheriff or other proper of county, city, borough, or place in which such conviction shall take her Majesty's use, and shall be returned to the court of quarter sest the provisions of an Act passed in the third year of the reign of I the Fourth, intituled "An Act for the more speedy return and levy penalties, and forfeitures, and recognizances estreated."

VIII. AND be it enacted, that no order or conviction, or proceed the same respectively, shall be quashed for want of form, or be certiorari or otherwise into any of her Majesty's superior courts of that when any distress shall have been made for levying any mon of this Act the distress itself shall not be deemed unlawful, no making the same a trespasser, on account of any defect or want of summons, warrant, conviction, warrant of distress, or other prelation thereto, nor shall the party distraining be deemed a tree the beginning on account of any irregularity afterwards commit but the person aggrieved by such irregularity may recover full sat special damage (if any) by action on the case.

IX. AND be it enacted, that the word "manufacturer" in this understood to mean any person furnishing the materials of wrought into hosiery goods, to be sold or disposed of on his own the word "agent" to include any person conveying or delivering the workman, and the word "workman" any person actually empranufacture of the same.

SCHEDULE.

If the material to be manufactured be into stockings:

Gauge:

Ribbed or plain:

What kind of material:

Size:

Jacks in width:

Mark:

Length of leg:

Length of foot:

Narrowings in leg:

Narrowings in heel:

Narrowings in gusset:

Narrowings in toe:

Dumps or clocks:

Bound heels or toes:

Wrought heels or cut:

Wrought feet or cut:

Turnings in leg:

Welted or not:

Weight per dozen:

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Price per dozen pair of making legs:
            Price per dozen pair of making feet:
            Name of party putting out the work:
            Name of artificer.
 If the material to be manufactured be into socks:
            Gauge:
            Ribbed or plain:
             What kind of material:
            Size:
            Jacks in width:
            Mark:
             Length of leg with top:
             Length of foot:
             Narrowings in heel:
             Narrowings in gusset:
             Narrowings in toe:
             Cut or wrought heels:
             Cut or wrought feet:
             Price per dozen pair:
             Name of party putting out the work:
             Name of artificer.
If the material to be manufactured be into gloves:
            Gauge:
            Ribbed or plain:
            What kind of material:
            Jacks in width of hand:
            Jacks in width of finger:
            Length of hand:
           Length of finger:
           What kind of welts:
           Plaited or not:
           What figure in back of hand:
           Weight per dozen:
           Price per dozen pair of making hands:
           Price per dozen pair of making fingers:
           Name of party putting out the work:
           Name of artificer.
If the material to be manufactured be into shirts:
            Gauge:
            Ribbed or plain:
            What kind of material:
            Jacks in width of body:
            Jacks in width of sleeve:
            Mark:
```

Length of body: Length of sleeve:

Fashioned or not:

Welted or not:

Weight per dozen:

Price per dozen of making bodies:

Price per dozen pair of making sleeves:

Name of party putting out the work:

Name of artificer.

If the material to be manufactured be into caps:

Gauge:

Ribbed or plain:

Material:

Jacks in width:

Fashion:

Striped or plain:

Weight per dozen:

Price per dozen:

Name of party putting out the work:

Name of artificer.

If the material to be manufactured be into any other description

Gauge:

Length:

Width:

Weight:

Price:

Fashion:

Name of party putting out the work:

Name of artificer.

CHAPTER LXXX.

An Act for regulating the Criminal Jurisdiction of Assistant Ba certain Counties of Cities and Counties of Towns in Ireland.

[4th A

WHEREAS by an Act passed in the session of Parliament third and fourth years of the reign of her present Maje. An Act for the regulation of municipal corporations in I among other things, enacted, that it shall be lawful for her M shall be pleased, upon the petition of the council of any boroug city of Dublin, as therein mentioned, to grant that a separate consessions of the peace, or a court of record, for the trial of civil thenceforward be holden in and for such borough; and it is enacted, that after the first day of January therein mentioned assigned or hereafter to be assigned to keep the peace in and for which any borough is situated, to which her Majesty shall not that a separate court of sessions of the peace shall be holden in same, shall exercise the jurisdiction of justices of the peace in borough, as fully as by law they and each of them can or ought for the said county: And whereas her Majesty has not hitherton

3 & 4 Vict. c. 108. s. 163.

Sect. 173.

any such separate court of quarter sessions of the peace should be holden in any of the counties of cities or counties of towns in the schedule to this Act annexed named: And whereas doubts have arisen as to whether the said counties of cities and counties of towns are included in the said last-recited provision of the said recited Act; and it is expedient to provide for the holding of general or quarter sessions of the peace in and for the said counties of cities and counties of towns: Be it therefore enacted by the Queen's most Assistant excellent Majesty, by and with the advice and consent of the lords spiritual the counties and temporal, and commons, in this present Parliament assembled, and by the named in the authority of the same, that from and after the passing of this Act, and until shall be her Majesty shall be pleased to grant that a separate court of general or justices of quarter sessions of the peace shall be holden in and for the said counties of the counties cities or counties of towns respectively as aforesaid, the respective assistant of cities and barristers for the time being of the respective counties named in the first named in concolumn of the schedule to this Act annexed shall be justices of the peace in such counties and for the respective counties of cities and counties of towns named in the respectively; second column of the said schedule in conjunction with such respective counties at large in the said schedule, and whereof they respectively are or shall be assistant barristers; and that the said assistant barristers shall have in the said counties of cities and counties of towns all such and the same powers, privileges, and authorities respectively as they respectively have in and for the said respective counties in the said first column mentioned, and shall and may exercise such jurisdiction, powers, and authorities either alone or together with the justices assigned to keep the peace within the said respective counties of cities and counties of towns; and that a general or quarter sessions of the and general peace shall be from time to time holden in and for the said respective counties of cities and counties of towns, on the day next but one before the commence- the peace shall ment of or immediately after the termination of the general or quarter sessions of the peace or any adjournment thereof, for the division of the said respective of cities and counties at large within which or next adjacent whereto the said respective counties of cities or counties of towns are situate; and that from and after the Powers of passing of this Act such general or quarter sessions of the peace so to be holden respectively in and for the said counties of cities and counties of towns, and also all adjourned sessions thereof, shall, as to all matters and things arising within such counties of cities and counties of towns respectively, or within five hundred yards of the boundaries thereof, have, use, and exercise all and every the same jurisdictions, powers, and authorities, as fully and effectually to all intents and purposes, as any general or quarter sessions of the peace holden in and for any county at large can or may have, use, or exercise in respect of matters and things arising within such county at large, and also all such further and other jurisdictions, powers, or authorities as were by any Act or Acts of Parliament now in force at any time heretofore granted to or vested in the general or quarter sessions of the peace of the said counties of cities or counties of towns respectively, of right holden within the said counties of cities and counties of towns respectively before the passing of the said herein-before in part recited Act passed in the said third and fourth years of the reign of our said lady the Queen; and the jurors returned to serve at each of such Jurors. general or quarter sessions of the peace, or adjournment thereof, for such respective counties of cities and counties of towns shall be returned from the

barristers for towns therein

sessions of be held for such counties

sessions.

To what prisons persons liable to imprisonment shall be committed.

body of such county of a city or county of a town respectively; an lawful for such respective assistant barristers or the justices of the prespective general or quarter sessions of the peace, to commit shall be otherwise liable to imprisonment, to the respective prisment respective counties of cities and counties of towns.

SCHEDULE to which the foregoing Act refers.

Counties.

County of KILKENNY.
County of LIMERICK.
County of WATERFORD.
County of ANTRIM.

Counties of Cities and Counties of Towns.

KILKENNY. LIMERICK. WATERFORD. CARRICKFERGUS.

CHAPTER LXXXI.

An Act to amend an Act of the last Session, for consolidating the Laws for the Regulation of Grand Jury Presentment of Dublin.

7 & 8 Vict. c. 106, s. 62.

1 & 2 Will. 4. e. 33.

MHEREAS by an Act passed in the session of Parliamen seventh and eighth years of her Majesty's reign, intitured An Acc " consolidate and amend the laws for the regulation of grand jury prese " consolidate and amond the country of Dublin," after reciting that it was expedient the provision should be made for the more speedy and effectual repair of roads the county of Dublin upon which her Majesty's mails are carried, it is enact that it should be lawful for the commissioners acting under and in execution of an Act passed in the first and second years of the reign of his late Maje King William the Fourth, intituled "An Act for the extension and promot " of public works in Ireland," or any other Act for amending the same, u the application of her Majesty's postmaster general for the time being, set forth and describing the line of any such road, or the portion of any road, in the said county of Dublin, which might stand in need of repair and with the consent of the lord lieutenant or other chief governo governors of Ireland, to cause such road, or such portion thereof as should described in such application, and any or every bridge, arch, or pipe, gull wall thereon, to be forthwith put into good and sufficient repair accordi under the superintendence of one of the county surveyors; and that upon application of the said commissioners, setting forth what sum would requisite and necessary from time to time for the purposes aforesaid, it si and might be lawful for the lord lieutenant of Ireland to direct, b warrant, that the sum or sums of money so required by the said con sioners should be advanced and paid to the said commissioners out of produce of the consolidated fund of the United Kingdom of Great Britai Ireland, to be applied, under the directions of the said commissioned

manner aforesaid: And whereas it is expedient to alter and amend the said enactment, in so far as it empowers the lord lieutenant or other chief governor or governors of Ireland to direct, by his warrant, that the sum or sums of money so required by the said commissioners should be advanced and paid to the said commissioners out of the produce of the consolidated fund of Great Britain and Ireland, and to substitute new provisions in lieu thereof: Be it Recited therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, save and except as to matters and things heretofore done under the said recited enactment, so much thereof as empowers the lord lieutenant or other chief governor or governors of Ireland to direct, by his warrant, that the sum or sums of money so required by the said commissioners shall be advanced and paid to the said commissioners out of the produce of the consolidated fund shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1875.]

II. And be it enacted, that from and after the passing of this Act, upon Treasury, with application of the said commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes in the said recited enactment lord lieutenant, mentioned, it shall be lawful to and for the lord high treasurer, or the commissioners of her Majesty's Treasury, or any three of them, by and with the of consolidated approbation of the lord lieutenant or other chief governor or governors of Ireland for the time being, by his or their warrant in writing, to direct that the sum recited enactor sums of money so required by the said commissioners appointed or acting under the said Act passed in the first and second years of the reign of his late Majesty King William the Fourth shall be paid and advanced to the said lastnamed commissioners out of the produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, to be applied, by and under the direction of the said last-mentioned commissioners, in the manner and for the purposes in the said recited enactment mentioned.

may direct the

III. PROVIDED always, and it is hereby declared and enacted, that it shall and may and may be lawful to and for the lord high treasurer, or the commissioners terms upon of her Majesty's Treasury, or any three of them, in and by any warrant which such authorizing or directing such advance as aforesaid, to declare on what terms be made, &c. the same shall be made, and to fix and appoint how, and in what manner, and at what time or times, and by what instalments, and with what rate of nterest, if any, the same is to be levied and repaid to the consolidated fund.

advances shall

IV. And whereas divers sums of money have been from time to time heretoore and may hereafter be advanced from her Majesty's Exchequer, by direction or authority of the commissioners of her Majesty's Treasury, or the lord ieutenant or other chief governor or governors of Ireland, for the public ourposes of the said county of Dublin; and it is expedient that the repayment hereof should be made with as little delay as possible, and should not be postponed by reason of any preference given to local claims over those of her Majesty's Exchequer: Be it therefore enacted, that it shall be lawful for the Before each ord lieutenant or other chief governor or governors of Ireland, at any time presenting previous to each presenting term, to cause an estimate to be made of the probable sum which in the course of the then ensuing year will become due shall cause an and payable by the said county of Dublin, or any barony, portion of a barony, be made of parish, or other denomination of land in the said county, to the consolidated the Exchequer fund, or to her Majesty's Exchequer, for or on account of any such advances, by the county ogether with any arrears or sums then remaining due and payable for or on the ensuing VOL. IX

lord lieutenant

and upon production of the certificate of the chief or under secretary of the amount, the grand jury shall present the default Court of Queen's Bench shall order such sums to be presented. Such sums shall be levied together with other county charges.

Certificate of sums so payable shall be sent to finance committee half-yearly.

Such sums shall be a first charge on all sums levied on the county; and the amount shall be paid by the finance committee.

account of any such advances during the preceding year; and it shall be are hereby required, on the production of the certificate of the secretary or under secretary of such lord lieutenant or other chief gove governors of the amount so estimated as aforesaid, to present, application to presentment sessions, to be levied off the said county, application to presentment sessions, to be levied off the said county, barony or baronies, portion of a barony, parish, or other denomination thereof, the amount of the sum or sums stated in such certificate; default of such presentment being made by the grand jury, it shall be default of such presentment being made by the grand jury, it shall be add such amount to the amount presented for other purposes by such add such amount to the amount presented for other purposes of the jury; and the amount so presented or added shall form a portion to be raised on the county, or any barony, portion of a barony, parish, or to be raised on the county, or any barony, portion of a barony, parish, or to be raised on the county, or any barony, portioned, applotted, and denomination of land thereof, and shall be apportioned, applotted, and to other county charges.

V. And be it enacted, that the amount of all sums payable dated fund, or her Majesty's Exchequer, in respect of such a account of the said county of Dublin, or any barony, por parish, or other denomination of land thereof, shall be ascenup half-yearly; and a certificate of the amount so payable with a statement of the accounts, and the particulars there proper officer, shall be transmitted to the finance committee and such amount, so certified, shall, to all intents and purp a charge upon all monies, rates, or cesses levied or collected the said county of Dublin, in priority and preference to ancharge, or demand whatsoever upon the same or any part amount shall be set apart and appropriated by the finance time being acting in execution of the said recited Act, money, rates, or cesses, for the repayment to the consoli Majesty's Exchequer, of the sum so certified, in priority and other lien, charge, or demand, and shall not be applied to and the said finance committee shall pay over the said amoand to such bank or person as the commissioners of her shall direct.

VI. AND whereas doubts have arisen whether, under the said recited Act, the grand jury of the said county of Du to make presentments in advance for the payment of the said county officers to whom salaries are payable by half-yearly the said Act, so that funds may be available for such has

At each presenting term grand jury shall present in advance for salaries of county officers.

as salary for the housekeeper of the county court-house at Green Street in the city of Dublin; and it shall be lawful for the finance committee for the time Finance combeing to pay to the said county officers respectively, by half-yearly instalments mittee shall pay salaries halfas the same shall respectively become due, the amount of such salaries, accord-yearly. ing to the true intent and meaning of the said Act.

IX. And be it enacted, that it shall be lawful to and for the finance com- Finance mittee of the said county of Dublin, if they shall deem it expedient, out of any balance or county funds at their disposal, from time to time to repay and discharge any sums expended by any person in repairing any sudden damage sudden to bridges, roads, or other county works under the provisions of the said Act damage to in reference to such sudden damage, on the production to them of the magistrate's order duly authorizing such repairs, and the certificate of the district surveyor that a sum not exceeding the sum specified in such order hath been faithfully and honestly expended pursuant thereto; and the grand jury of the Sums so paid to said county is hereby empowered to present all sums so paid by the finance committee at the next presenting term, without previous application at presentment sessions.

X. And be it enacted, that so much of the said recited Act as empowers the grand jury, with the sanction of the Court of Queen's Bench, to present, in case of negligent or insufficient discharge of duty on the part of any county officer, any sum less than the annual salary specified therein to be paid to such officer, or to withhold or refuse to make presentment for such officer, shall be and is hereby repealed. [Rep., Stat. of county Law Rev. Act, 1875.]

XI. AND be it enacted, that from and after the passing of this Act it shall and may be lawful for the grand jury of the said county, at any presenting jury, with term, by a resolution, to be signed by the foreman, with the express sanction of the Court of Queen's Bench in Ireland, to direct that the payment of any salary of any county officer who may be guilty of any negligent or insufficient discharge of his duty shall be either wholly or in part withheld, or to make county officers such regulations for the paying or suspending the payment of the whole or duty, and make any part of the salaries of any of such county officers, as the said grand jury, regulations as with the express approval of the said Court of Queen's Bench, may deem &c. expedient.

XII. AND be it enacted, that this Act shall be read and interpreted in conjunction with the said recited Act, in such and the same manner as if the conjunction same was incorporated therein and part thereof.

bridges, &c.

be presented at next presenting

Repeal of part of recited Act holding salaries, &c. officers, for neglect, &c. The grand of the Court of may withhold salaries of for neglect of to payments,

with recited Act.

CHAPTER LXXXIII.

AN ACT for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland. [4th August 1845.]

THEREAS it is expedient that the laws relating to the relief of the poor in Scotland should be amended, and that provision should be made for the better administration thereof: Be it enacted by the Queen's most excellent Interpretation Majesty, by and with the advice and consent of the lords spiritual and tem- of terms. poral, and commons, in this present Parliament assembled, and by the authority of the same, that the following words and expressions, when used in this Act, shall in the construction thereof be interpreted as follows, except where the sature of the provision or the context of the Act shall exclude or be repugnant

" Burgh:"

" Sheriff:" "Lands and heritages:"

" Oath:" "Owner:"

" Persons:"

Board of supervision for relief of the poor in Scotland established,

Style of board.

Members of board to derive no emolument.

Their expences to be paid.

One paid member and secretary to the board.

Their salaries.

apply to cities, burghs, and towns which are royal burghs, or was to sheriff substitute. to such construction; (that is to say,) the word "burgh" shall contribute to send a member to Parliament; "sheriff" shall included to sheriff substitute and stowart and the shall extend to and include all lands, fishings, freshwaters, wharfs, docks, canals, railways, mines, minerals, quarries, coa works, brick works, iron works, gas works, factories, and manufalishments, houses, tenements, shops, warehouses, mills, cellars, gardens, yards, and all buildings and pertinents thereof; the shall include the affirmation of a Quaker, Separatist, or Morav shall apply to life-renters as well as fiars, and to tutors, curators, trustees, adjudgers, wadsetters, or other persons, who shall be receipt of the rents and profits of lands and heritages; "persons to a body politic, corporate, or collegiate; and every word singular only shall extend to several persons or things as well a= thing; and every word importing the plural shall be applied tthing as well as several persons or things; and every word masculine gender shall extend to a female as well as a male.

II. AND be it enacted, that a board of supervision shall beestablished for the purposes of this Act, and the said board shafollowing persons; (videlicet,) the lord provost of Edinburgh, of Glasgow, the solicitor general of Scotland, the sheriff deput of Perth, the sheriff depute of the county of Renfrew, the sheries county of Ross and Cromarty, all for the time being, together persons, whom it shall be lawful for her Majesty, her heirs am warrant under the sign manual, to appoint; and it shall al= her Majesty, her heirs and successors, to supply any vacancy in the said board by removal, by death or otherwise, of any of persons; and the said board shall be styled "The Board of S. " Relief of the Poor in Scotland;" and the said board may sit time and at such places as they shall deem expedient.

III. And be it enacted, that the members of the said board profit or emolument for the discharge of the duties of their herein-after mentioned, and shall not be personally responsible done bona fide in the execution of this Act, or in the exercise therein contained: Provided always, that any necessary expend the board or by members thereof, or committees or commission or appointed by the board as herein-after provided, shall be of the incidental expences attending the execution of this Acaccordingly; and an account of all expences of the said board shared laid before Parliament.

IV. And be it enacted, that it shall be lawful for her Ma and successors, to nominate one of the three members of the supervision to be appointed by her Majesty as aforesaid, who and also to appoint a fit person to be secretary to the said boalso be paid, and to supply any vacancy which may occur in t secretary; and such paid member of the board of supervision = tary shall each receive an adequate salary of such amount as to time be regulated and approved by the lord high treasurer

sioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them; and such secretary shall find sufficient Security by and security for his intromissions and management, to the satisfaction of the said secretary. board, and shall be liable to be removed by her Majesty on the recommendation of the said board; and the sheriffs of the said three sheriffdoms of Perth, Payment to Renfrew, and Ross and Cromarty shall each receive the sum of one hundred as members of pounds sterling per annum, in addition to their present salaries, so long as they board. continue to act as members of the said board.

V. AND be it enacted, that the said board of supervision shall meet at Meetings of Edinburgh in the court room of the first division of the Court of Session upon the twentieth day of August next, or upon the first convenient day within ten days thereafter, of which due notice shall be given by the secretary to each of the members, and shall thereafter hold two general meetings in each year, one upon the first Wednesday in February, and the other upon the first Wednesday in August; and at such first meeting, and at all other meetings to be held in pursuance of this Act, three shall be sufficient to act; and the said board shall have power to adjourn for such time and to such place as they shall see fit; and it shall be lawful for the said board to hold special or pro re natâ meetings, which may be called by the secretary, provided that such notice shall be given in writing by the secretary as the board shall direct; and that all notices of special or pro re natâ meetings shall specify the business or matter on which such meetings are called; and it shall be Paid member the duty of the paid member of the said board not only to attend at the of board of general and the special or adjourned meetings, but to give regular attendance attend regufor the purpose of conducting the business of the said board; and the board larly. shall have chambers in Edinburgh at which the ordinary business of the board shall be conducted, and at which the meetings of the board may be held.

VI. And be it enacted, that the said board shall have power, as often as Board may they may deem fit, to appoint any two or more of their number as a committee for the purposes of this Act, and if more than two to fix the number of such committee that shall be sufficient to transact business; and it shall be lawful for such committee, in transacting the business committed to them, to exercise all the powers necessary for that purpose which are by this Act given to the board of supervision; and such committee shall be bound to report to the board at such time or times as the board shall direct, and failing such direction shall report to the said board at its next general statutory meeting.

VII. AND be it enacted, that it shall be lawful for the said board from time Board may to time, as they shall see occasion, to make general rules and regulations for make general rules. conducting the business of the said board, and for exercising the powers and authorities thereof, and to alter such rules and regulations: Provided always, Approval, &c. that such rules and regulations and alterations, or a copy thereof, shall be by secretary of transmitted to one of her Majesty's principal secretaries of state, for his sanction and approval, and for such additions or alterations as he may deem necessary; and no rules or regulations or alterations as aforesaid shall be effectual, except such as shall have been approved of by the said secretary of state, who shall be understood to have approved of all such rules and regulations and alterations aforesaid as shall have been transmitted for his sanction and approval if no intimation to the contrary be made to the board of super-

Evidence of rules.

Board to record their proceedings, and make annual reports on the state of the poor, to secretary of state, to be laid before Parliament.

Powers of the board of supervision to require returns and examine witnesses.

Board may authorize special inquiries to be made by one member of board.

Board may appoint paid commissioners for conducting special inquiries.

vision within twenty-one days from the date of such transmission, copy, signed and certified by the secretary of the rules and regulations and alterations approved as aforesaid, shall of such rules, regulations, and alterations in any court of law or

VIII. And be it enacted, that the said board of supervision record of their proceedings, in which shall be entered minutes of held by them, or any committee appointed by them, and all resol and orders made by them, and all other matters which the boar proper; and the said board shall once in every year submit Majesty's principal secretaries of state a general report of ings, which report shall contain in particular a full stateme condition and management of the poor throughout Scotland, raised for their relief; and every such report shall be laid before of Parliament within six weeks after the receipt of the same by secretary of state, if Parliament be then sitting, or if Parliament sitting, then within six weeks of the next meeting thereof.

IX. And be it enacted, that it shall be lawful for the said boarc sion to inquire into the management of the poor in every parish Scotland, and for this purpose the said board is hereby empower inquiries, and require answers or returns to be made to the said any question or matter connected with or relating to the relief and also by a summons, signed by one of their number, or by t to require the attendance of all such persons as they may thin. before them upon any such question or matter, and to administer examine upon oath all such persons, and to require and enforce the upon oath, of all books, contracts, agreements, accounts, and copies thereof respectively, in anywise relating to any such questio or in lieu of requiring such oath as aforesaid the said board think fit, require any such person to make and subscribe a declared truth of the matters respecting which he shall have been o examined.

X. And be it enacted, that it shall and may be lawful for the whenever it may seem fitting to them, to authorize and empower time one of the members thereof to conduct any special inquir of Scotland, and to report thereon to the board; and suc authorized and empowered shall be entitled to summon and example witnesses and havers, and to exercise all such other of the powers given to the board of supervision as may be necessary for conduction inquiry, and such member shall be reimbursed by the said bo expences necessarily incurred by him in conducting such inquiry. expences shall be deemed part of the expences attending the execut Act, and be paid accordingly.

XI. AND be it enacted, that it shall and may be lawful for the said supervision, whenever it may seem fitting to them, with the consent her Majesty's principal secretaries of state, or of her Majesty's ad Scotland, or whenever the said board may be thereun to required by Majesty's said secretaries of state, or her Majesty's said advocate some person, not being a member of the board, but being a mem faculty of advocates, or a duly qualified medical practitioner, or an

surveyor, or two or more of such persons, to act as a commissioner or commissioners for the purpose of conducting any special inquiry for a period not exceeding forty days, and to report thereon; and the said board shall delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the said board as they may deem necessary or expedient for summoning or examining witnesses and havers, and otherwise conducting such inquiry; and every such appointment shall be subject to the approval of one of her Majesty's said secretaries of state, or of her Majesty's said advocate; and every person so appointed as aforesaid to conduct any special inquiry shall, before he enter on the execution of his duties, take an oath de fideli administratione officii, which oath may be administered to him by any member of the board, or any one of the judges of the Court of Session, or the sheriff of any county; and it shall not be necessary to notify the appointment of any such commissioner otherwise than by intimating the same by letter under the hand of the secretary, or of any member of the board, to the sheriff of the county within which the inquiry in question is to be made; and every such commissioner shall be reimbursed by the said board for all expences necessarily incurred by him in conducting such inquiry, and shall also receive such reasonable remuneration for his time and trouble as may have been agreed upon between him and the said board, and approved of by her Majesty's said secretary of state or advocate; and failing of any such agreement the amount of the remuneration shall be fixed by the lord high treasurer, or the commissioners of her Majesty's Treasury, or by such person or persons as he or they shall name.

XII. AND be it enacted, that it shall be lawful for the said board of super- Board may vision, in any case where they see fit, to order and allow such expences of allow expences witnesses, and such expenses of or concerning the production of any books, &c. contracts, agreements, accounts, or writings, or copies thereof, to or before the said board or committee thereof or commissioner, as such board may deem reasonable; and such expences so ordered and allowed shall be deemed part of the incidental expences attending the execution of this Act, and be paid accordingly.

XIII. And be it enacted, that if any person, upon any examination on oath Penalties on under the authority of this Act, shall wilfully give false evidence, he shall be false evidence, deemed guilty of perjury, and shall be liable to the pains and penalties or refusing to thereof; and in case any person shall wilfully refuse to attend in obedience to obey summons any summons of the said board of supervision or committee thereof, or member or commissioner authorized or appointed by the board as aforesaid, or to give evidence, or shall wilfully refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be required to be produced before the said board or committee, or member or commissioner, or shall wilfully neglect or disobey any of the orders of the said board or committee, or member or commissioner, or be guilty of any contempt of the said board or committee, or member or commissioner, such person, being thereof lawfully convicted, shall forfeit and pay for the first offence any sum not exceeding five pounds, for the second and every subsequent offence any sum not exceeding twenty pounds nor less than five pounds.

of the board.

XIV. AND be it enacted, that the said board of supervision shall be and is Power of board to hereby empowered from time to time to appoint all such clerks, messengers, appoint clerks,

Salaries of clerks, &c.

Appointments, &c. to be subject to approval of secretary of state.

Members or secretary of board of supervision, or officers duly authorized, may attend meetings of parochial boards.

Parishes may be combined for administration of affairs of the poor.

Expenses to be paid out of common fund.

Board of supervision may add other parishes to any combination.

and officers as they shall deem necessary, and from time to time, at tion of the said board, to remove such clerks, messengers, and office of them, and to appoint others in their stead; provided that the arm salaries of such clerks, messengers, and officers shall from time regulated by the lord high treasurer, or the commissioners of he Treasury, or any three or more of them; and the name of ever appointed or removed as aforesaid shall forthwith be intimated to Majesty's principal secretaries of state for his approval, who sha stood to approve of such appointment or removal if no notice to be received by the said board within twenty-one days from the date of such intimation.

XV. And be it enacted, that it shall be lawful for any of the the secretary of the said board of supervision, or for any clerk or of said board, provided that such clerk or officer shall be duly authoriting signed by two at least of the members of the said board of to attend and be present at the meetings of any parochial be management of the poor, and to take part in the discussions, but at such board.

XVI. AND be it enacted, that in every case in which it may board of supervision, on application by the parochial boardmore adjoining parishes, or from a regard to the relative situ more such parishes, or from any other circumstances, that th of the affairs of the poor therein might be carried on with g to the said parishes, and to the poor therein, by the said par bined for the purposes of this Act, then the parochial boards shall meet, on requisition to that effect by the board of supurpose of considering the proposed combination; and in the parochial boards of two or more such parishes shall expedient and proper that such parishes shall be combine connected with the management of the poor, and the adm laws relating to their relief, and for the purposes of raising the for the relief and support of the poor, and also for the purpo. and where it shall be established to the satisfaction of the bo that it is expedient and proper that such parishes shall be so comb be lawful for the said board of supervision to resolve and decla parishes shall thenceforward be combined for the purposes aforesa be considered as one parish so far as regards the support and me the poor, and all matters connected therewith; and all expenditu to the poor belonging to such combination of parishes shall be dee to be the common expenditure of such combination of parishes, a upon and paid out of the common and general fund to be raised of the poor over the whole of such parishes: Provided always application by the parochial board of any parish adjacent to bination, it shall be lawful for the said board of supervision, if t regard being had to the circumstances of the case, to resolve at such parish shall be for the purposes of this Act added to such from and after a date to be signified in the resolution of the supervision, and such parish shall, from and after such date, be be a part of such combination in all matters relative to the rel and subject in every respect to the provisions and regulations hereby made and provided in relation to combinations of parishes; and such resolution shall be forthwith published in such manner as the said board of supervision shall direct.

XVII. AND be it enacted, that in every burghal parish or combination of parishes there shall be a parochial board of managers of the poor; and the managers of whole administration of the laws for the relief of the poor shall be under the direction and control of such parochial board, on whom shall devolve all the parishes or powers and authorities hitherto exercised by or vested in the magistrates of burghs in that behalf, or any other body or persons administering or entitled to administer the laws for the relief of the poor in any burgh or burghal parish; and until it shall have been resolved, as herein-after provided, to raise the funds requisite for the relief of the poor of such parish or combination by assessment, the board shall, in the case of a burghal parish, where there is no combination of parishes, consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in such parish, and shall, in the case of a combination of parishes, consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in the several parishes of which the combination is composed, or of such committees of their number as they may think proper to appoint; and when in any burghal parish or com- Constitution of bination in which it shall have been resolved, as herein-after provided, to raise funds are raised the funds requisite for the relief of the poor by assessment, the parochial board by assessment. of such parish or combination shall be constituted and chosen as follows; (that is to say,) the persons assessed for the support of the poor within the parish or combination shall elect, in manner after mentioned, to be members of the parochial board, such number of managers, not being more than thirty, as the said board of supervision, having due regard to the population and other circumstances of every such parish or combination, may from time to time fix, and possessing such qualification by the ownership or occupancy of lands and heritages of a certain annual value within the parish or combination as the said board of supervision, having due regard to the population and other circumstances of every such parish or combination, may from time to time fix. such qualification being in no case fixed at a higher annual value than fifty pounds, to be ascertained in manner herein-after provided in regard to the qualification of voters; and the magistrates of the burgh shall nominate four persons to be members of the parochial board, and the kirk session of each parish shall nominate not exceeding four members of such kirk session to be members of the parochial board: Provided always, that those parishes only shall be held to be separate parishes which at the date of this Act are separate parishes for the purposes of settlement and relief of the poor; and that where there shall be in any such parish two or more kirk sessions the members of such several kirk sessions shall meet together and nominate not exceeding four of their number to be members of the parochial board.

XVIII. And be it enacted, that where in any burghal parish or combina- Board of tion it shall have been so resolved to raise the funds requisite for the relief of to fix the the poor by assessment, and where the persons from whom such assessment is day for the first election to be levied, and the amount payable by each, shall have been ascertained or by persons determined as herein-after provided, the board of supervision shall fix a day assessed of

Parochial boards of the poor in burghal combinations.

elective members of parochial board.

Period of office of members of board.

Mode of voting at elections in burghal parishes or combinations. Who shall be entitled to votes

Number of votes to which each person shall be entitled.

Proviso.

Board of supervision may divide burghal parishes or combinations into wards or divisions for elections, for the persons so assessed to elect such number of managers, duly be members of the parochial board as shall be regulated by supervision as aforesaid, and shall also fix a day or days for the and the kirk session or kirk sessions to nominate the persons to respectively nominated to be members of the parochial board managers and members, being elected or nominated, shall be enfor the period of one year, and may be re-elected or re-appointed.

XIX. AND be it enacted, that in all cases of the election of ma poor of any burghal parish or combination under this Act the v given or taken, collected and returned, in such manner and und lations as the board of supervision shall direct; and in every every person assessed for the support of the poor in such parish tion shall be entitled to vote, whether such assessment be made ownership or occupancy of lands and heritages, or in respect of substance; and it is hereby declared that the owners of lands the annual value of which shall be under twenty pounds shall h vote; the owners of lands and heritages the annual value of w twenty pounds but under forty pounds, two votes; the owners heritages the annual value of which shall be forty pounds but pounds, three votes; the owners of lands and heritages the ar which shall be sixty pounds but under one hundred pounds, for owners of lands and heritages the annual value of which shall be pounds but under five hundred pounds, five votes; the owner heritages the annual value of which shall be five hundred pounds six votes; and that all persons assessed as the occupants of lands or assessed on means and substance, shall each have the same no as an owner of lands and heritages assessed to the same amount: of the poor would have; and when any occupant shall also b lands and heritages, and assessed in both capacities, he shall be e as well in respect of his ownership as of his occupancy; and wh who is assessed on his means and substance shall also be an and heritages, and assessed as such, he shall be entitled to respect of his ownership as of his means and substance: Provide no person shall for himself have more than six votes in all, and shall be entitled to vote who shall have been exempted from rates or assessment for relief of the poor on the ground of in or who shall not have paid all such rates and assessments asse due from him at the time of so voting.

XX. And be it enacted, that for the purpose of conducting managers of the poor it shall be lawful for the board of supervany burghal parish or combination into such and so many was they may deem expedient, and to determine and apportion managers to be elected by every such ward or division, having the population and the value of property therein: Provided person shall be entitled to vote for the managers of the poor in or division unless he reside therein, or have a right to vote is ownership or occupancy of lands and heritages within such we nor shall any person give in any one ward or division, in respector occupancy of lands and heritages, a greater number of votes.

entitled to in respect of lands and heritages in such ward or division; nor shall any person give in the whole of the wards or divisions into which a parish may be divided a greater number of votes than he would be entitled to have given if the parish had not been so divided.

XXI. AND be it enacted, that for the purpose of ascertaining the number of Books of colvotes to which each person is entitled the books of the collector of the assessment for the poor shall be taken as the evidence of the annual value of value of lands the lands and heritages assessed, and of the amount for which each person is assessed.

assessed, &c.

XXII. AND be it enacted, that in every parish not being a burghal parish, Parochial and not being part of any combination as aforesaid, there shall be in like manner a parochial board for the management of the poor of such parish, and burghal or the whole administration of the laws for the relief of the poor shall be under the direction and control of such parochial board, who shall have and exercise all the powers and authorities hitherto exercised by or vested in the heritors and kirk session, or in the heritors, kirk session, and magistrates, or any other body or persons administering or entitled to administer the laws for the relief of the poor in such parish, by virtue of any law or usage; and such parochial board shall be constituted as follows; (that is to say,) in every such parish as aforesaid in which the funds requisite for the relief of the poor shall be provided without assessment the parochial board shall consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in such parish; and in every such parish as Constitution of aforesaid in which it shall have been resolved, as herein-after provided, to raise funds are raised the funds requisite for the relief of the poor by assessment, the parochial board by assessment shall consist of the owners of lands and heritages of the yearly value of twenty pounds and upwards, and of the provost and bailies of any royal burgh, if any, in such parish, and of the kirk session of such parish, and of such number of elected members, to be elected in manner after mentioned, as shall be fixed by the board of supervision: Provided always, that no provost or bailie or elder of the kirk session shall, as such, be a member of such parochial board unless he is assessed for the poor; and provided also, that not more than six members of the kirk session shall, as such, be members of such parochial board; and if the kirk session shall consist of more than six members it shall be lawful for such kirk session from time to time to nominate six of its members to be members of the parochial board, for such time as to the kirk session shall seem fit; and it shall be competent for any heritor, being a member of the Heritors may parochial board, to appoint, as heretofore, by a writing under his hand, any appoint agents to act for them other person to be his agent or mandatory to act and vote for him at such at such boards. board; and such appointment shall remain in force till recalled; and such writing of appointment is hereby declared to be valid and lawful, although the paper whereon it is written should not be stamped.

XXIII. And be it enacted, that in every such parish as aforesaid in which it Elected shall have been resolved to raise the funds for relief of the poor by assessment, parochial and in which the persons from whom such assessment is to be levied, and the boards in such amount payable by each, have been ascertained or determined as herein-after provided, it shall and may be lawful for the persons so assessed, not being owners of lands and heritages of the yearly value of twenty pounds, or provost or bailies of any royal burgh in such parish, or members of the kirk session,

and as such members of the parochial board, to elect a number to be members of the parochial board of such palated and fixed from time to time by the board of subeing had to the amount of the population, the number other members of the parochial board, and the special was of each particular parish; and the said board of supervise for the said persons to meet and choose such number of parochial board as shall have been fixed by the board of said; and such elected members, being so appointed, a for the period of one year, and may be re-elected: Properson shall be entitled to act as an elected member with the poor, and pay assessment to the parish.

XXIV. AND be it enacted, that on the day so to be

Period of office of elected members.

Elected members how to be appointed.

Number of of votes to which each person

shall be entitled.

supervision as aforesaid, and on the same day in each s day, as soon thereafter as may be, to be fixed by the bo persons assessed as aforesaid shall meet for the purpose members of the parochial board; and if they shall not elected members, then it shall and may be lawful for the appointed in manner after mentioned, or in case of his a any person appointed by the parochial board to act for writing and collect the votes of the persons entitled to and to declare (according to the number prescribed by th those persons to be elected members who shall appear t votes, and in the event of an equality the person payi of assessment shall be preferred; and at every such me and heritages within the parish under twenty pounds each have one vote, and tenants or occupants of lan persons assessed upon means and substance, if assessed is assessed upon an owner of lands and heritages of the pounds, shall each have one vote; and if assessed to an assessed upon an owner of lands and heritages of the pounds but under forty pounds, shall each have two that assessed on an owner of lands and heritages of the pounds but under sixty pounds, shall each have three that assessed on an owner of lands and heritages of the pounds but under one hundred pounds, shall each ha equal to that assessed on an owner of lands and herita of one hundred pounds but under five hundred pound votes; and if equal to that assessed on an owner of lan yearly value of five hundred pounds or more, shall each the books of the collector of the assessment in each pariconclusive for the purpose of ascertaining the number person shall be entitled in respect of the ownership and substance, upon which he is assessed; and whe assessed as owner is assessed also as occupier, or on me shall be entitled to vote as well in respect of such occ substance, as of his being such owner: Provided alwa have more than six votes, and that no owner of lands yearly value of twenty pounds or upwards, and no pro

Proviso.

of the kirk session, being a member of the parochial board, and no person who shall have been exempted from the payment of his rates or assessments for the relief of the poor on the ground of inability to pay, or who shall not have paid all such rates and assessments assessed upon and due from him, shall be entitled to vote; and for the purpose of conducting the election it shall be Parish may be lawful for the board of supervision to divide any parish into such and so many districts or divisions as they may deem expedient, and to determine and apportion the number of elected members to be elected by every such district or division, subject to the like conditions and restrictions as are hereinbefore provided in regard to the election of managers in burghal parishes or combinations.

divided into districts for elections.

XXV. And be it enacted, that in cases of lauds and heritages being owned In cases of or occupied by any corporation, or any joint stock or other company, or by joint owners or joint occupants, no member of such corporation, or proprietor of or interested in such joint stock or other company, and no such joint owner or joint occupant, shall, as such, be entitled to vote at the election of any member of a parochial board of any parish or combination; but any member or officer of such corporation, joint stock or other company, or any one of such joint owners or joint occupants, whose name shall be entered by order of such corporation or company, or the governing body thereof, or of such joint owners or joint occupants, in the books of the parish or combination, in the manner that may be directed by the board of supervision, and who shall have complied with the regulations regarding voting, shall be entitled to vote, in the same manner as if he were the owner or occupant of such lands and heritages.

or joint stock companies, or joint owners, who entitled to vote.

XXVI. AND be it enacted, that in all meetings and matters under this Act Husbands the husbands of owners of lands and heritages shall be entitled to vote and act in right of their wives.

may vote in right of their wives.

XXVII. And be it enacted, that any dispute which may arise as to the Disputes as validity of the election of any person to be a member of the parochial board of any parish or combination shall be determined by the sheriff of the county mined by in which such parish or combination, or the greater portion of them, may be situate, upon petition in a summary manner; and the said sheriff shall hear the parties, and investigate the matter in such way as he may think proper, and shall have power to call for such evidence, and for the production of such documents, as he may think necessary, provided that no written pleadings shall be allowed, and no record shall be made of the proceedings; and the decision by the said sheriff shall be final, and shall not be liable to appeal, or to suspension, advocation, or reduction, or any other form of review; and it shall be lawful for the said sheriff to order the expences of all such proceedings to be paid by such parties and in such manner as to him may seem equitable: Provided always, that it shall not be lawful for any person to question the validity of any election under this Act, unless a notice in writing of his intention so to do be served on the returning officer at the time of making the return, or within forty-eight hours from the time when such return shall have been made.

to elections

XXVIII. AND be it enacted, that in the event of any disputed election of In case of dis any parochial board, or of any member or members of any parochial board, party returned the persons whose names are returned by the returning officer as having the may act till majority of votes shall be entitled to sit and act as elected members of such determined.

Defect in qualification, &c. of member of board not to vitiate proceedings.

Penalty on officer making false return.

Meetings of parochial boards.

Committees of parochial boards.

Parochial board to elect a chairman annually.

Chairman pro tempore in case of absence of chairman,

Parochial boards to meet and make up rolls of the poor;

and appoint inspectors of the poor.

and determine upon mode of board in the meantime and until the question regarding election shall have been tried and determined; and all as them in their character of members of such board or members of such board or members and and effectual; and no defect in the qual appointment of any person acting in the character of an board shall vitiate or make void any proceedings of such may have taken a part.

XXIX AND be it enacted, that if any returning officer making a false return he shall be liable to a penalty of recoverable by action in the Court of Session, and paparties aggrieved by such false return.

XXX. And be it enacted, that it shall be lawful for o to fix certain days and places on and at which the ger board shall be held, and to adjourn such meetings from such places as they shall see fit: Provided always, that shall be bound to hold at least two general meetings in first Tuesday of February, or as soon thereafter as may the first Tuesday of August, or as soon thereafter as may stated times as may be approved of by the board of sup meetings to revise and adjust the roll of paupers and th shall also be lawful for every parochial board to hole occasion may require, upon summonses to be issued by poor or by the chairman of the board; and it shall parochial board to nominate and appoint committees to whole board, and such committees in transacting the l them shall exercise all the powers necessary for that pu the parochial board.

XXXI. AND be it enacted, that every parochial boar one of their number to be chairman for the year ensuin shall preside at all meetings of the board, and shall have a casting vote in case of equality; and in the event chairman of the board at any meeting the members present man pro tempore, who shall act as chairman of the meet shall have a casting as well as an original vote.

XXXII. And be it enacted, that each parochial box Tuesday of September in this present year, or on such be fixed by the board of supervision, meet for the pur causing to be made up a roll of the poor persons claiming to relief from the parish or combination, and of the arm to be given to each of such persons, and for the pur inspector or inspectors of the poor in such parish or extended the amount of remuneration to be given to every such meeting shall make up or cause to be made up such rolleast possible delay, and shall nominate and appoint a or persons to be inspector or inspectors of the poor in nation, and shall fix the amount of the remuneration to inspector, and shall forthwith report to the board of su address of such inspector, and the amount of the remulation, and shall at the same or at another meeting, to

more than fourteen days thereafter, consider and determine as to the mode raising funds of raising the funds requisite for the relief of the poor in the parish or poor. combination.

XXXIII. AND be it enacted, that it shall be lawful for the parochial board Parochial of any parish or combination assembled at such meeting, or at any adjournment resolve that thereof, or for the parochial board of any parish or combination at any meeting the funds shall be raised by of such board called for that purpose, and of which due notice shall have been assessment given, by letter, advertisement, or otherwise, to all the persons entitled to attend, to resolve that the funds requisite for the relief of the poor persons entitled to relief from the parish or combination, including the expences connected with the management and administration thereof, shall be raised by assessment; and if the majority of such meeting shall resolve that the funds Such resolution shall be raised by assessment, such resolution shall be final, and shall be forthwith reported to the board of supervision, and it shall not be lawful to alter or depart from such resolution without the consent and authority of the board of supervision. supervision previously had and obtained.

XXXIV. And be it enacted, that when the parochial board of any parish or Modes of combination shall have resolved to raise by assessment the funds requisite, such board shall, either at the same meeting or at an adjournment thereof, or at a meeting to be called for the purpose, resolve as to the manner in which the assessment is to be imposed; and it shall be lawful for any such board to resolve that one half of such assessment shall be imposed upon the owners, and the other half upon the tenants or occupants, of all lands and heritages within the parish or combination, rateably according to the annual value of such lands and heritages, or to resolve that one half of such assessment shall be imposed upon the owners of all lands and heritages within the parish or combination, according to the annual value of such lands and heritages, and the other half upon the whole inhabitants, according to their means and substance, other than lands and heritages situated in Great Britain or Ireland, or to resolve that such assessment shall be imposed as an equal percentage upon the annual value of all lands and heritages within the parish or combination, and upon the estimated annual income of the whole inhabitants from means and substance, other than lands and heritages situated in Great Britain or Ireland [Rep., 24 & 25 Vict., c. 37.]; and when the parochial board shall have resolved on the manner in which the assessment is to be imposed, such resolution shall be forthwith reported to the board of supervision for approval; and if the manner of assessment so resolved upon shall be approved by the board of supervision, the same shall be adopted and acted upon in such parish or combination, and shall not be altered or departed from without the sanction of the board of supervision; and if the board of supervision shall disapprove of the manner of assessment so resolved upon as aforesaid, the Parochial board shall, upon such disapproval being intimated, forthwith meet and resolve upon another mode of imposing the assessment consistent with law, and shall report such resolution to the board of supervision; and the manner of imposing the assessment so resolved upon shall be adopted and acted upon in such parish or combination, and shall not be altered or departed from without the sanction of the board of supervision.

XXXV. And be it enacted, that if at the date of this Act an assessment for Assessment the poor shall in any parish or parishes be imposed according to the provisions heretofore imposed accordof any local Act, or according to any established usage, it shall be lawful for ing to local the parochial board or boards of such parish or parishes to resolve that the lished usage

to be final, and not altered without consent of board of

Mode resolved upon to be su pervision.

may continue to be so imposed.

Where half of assessment is imposed on owners, and half on occupiers, parochial boards may classify lands; and rate the tenants of each class accordingly.

Annual value how to be calculated.

Mines or quarries.

Roll to be made up yearly or half-yearly of persons liable to assessment, with sums to be levied from each.

Collectors to be appointed.

Inspector may be also collector.

Amount of assessment payable by each person to be intimated.

Parochial boards to fix annually the amount of assessment, and make up roll of assessment in such parish or parishes shall be imposed according t established by such local Act or usage; and such resolution, if appr the board of supervision, shall continue to be acted upon in such parishes, and shall not be altered or departed from without the same board of supervision.

XXXVI. AND be it enacted, that where the one-half of any a imposed on the owners, and the other half on the tenants or clands and heritages, it shall be lawful for the parochial board, wi currence of the board of supervision, to determine and direct the and heritages may be distinguished into two or more separate class to the purposes for which such lands are used and occupied, and rate of assessment upon the tenants or occupants of each class re to such boards may seem just and equitable.

XXXVII. And be it enacted, that in estimating the annual vand heritages, the same shall be taken to be the rent at which canother such lands and heritages might in their actual state expected to let from year to year, under deduction of the paverage cost of the repairs, insurance, and other expences, if an maintain such lands and heritages in their actual state, and all republic charges payable in respect of the same: Provided alway or quarry shall be assessed unless it has been worked during the year preceding the day on which the assessment may be levied.

XXXVIII. And be it enacted, that when the parochial boar or combination shall have resolved as aforesaid to raise by funds requisite, and when the manner in which the assessment shall have been fixed, and the sum to be so raised for the 7 then ensuing shall have been ascertained, such parochial boar or cause to be forthwith made up a book containing a roll of t in payment of such assessment, and of the sums to be levied ! persons, distinguishing the sums assessed in respect of owners or means and substance; and the book or roll so made up sh levying the assessment for the year or half year then e parochial board shall appoint one or more fit and qualif collector or collectors of the assessments, and shall fix the an tion to be given to every such collector; and it shall be com and appoint the same person who is an inspector of the r of the assessment, and to fix the amount of remunerati such person for the performance of the additional duties assessment.

XXXIX. And be it enacted, that as soon as may be roll is made up as aforesaid the collector shall intimate amount of the sum to be levied from him, and the tim payable.

XL. And be it enacted, that before the expiration of on at which the first assessment under the provisions of this imposed as aforesaid in any parish or combination, and thereafter, the parochial board of every such parish or and determine the amount of assessment for the year o

ensuing, and shall make up or cause to be made up a book containing a roll ratepayers, of the persons liable in payment of such assessment, and of the sums to be levied from levied from each of such persons; and the roll so made up shall be the rule for levying the assessment for the year or half year then next ensuing; and the collector shall forthwith intimate to each person the amount of the sum to be levied from him, and the time when the same is payable: Provided always, Power to that it shall be lawful for the parochial board of any such parish or combination, if there shall have been found to exist any error in the sum or sums to be levied by way of assessment, or any omissions or surcharges in respect of the persons liable to pay the same, to cause such error, omission, or surcharge to be corrected at their next or any subsequent meeting after such error, omission, or surcharge shall have been discovered: Provided also, that nothing herein Remedy of percontained shall preclude any person who considers himself aggrieved by such by assessment. assessment from his remedy by law, in the like form and on the same ground as at the date of the passing of this Act was competent to any party who considered himself aggrieved by assessment imposed under the statutes then in force for relief of the poor, but to the extent and effect only of exempting himself from payment of any surcharge which may have been made upon him.

sons aggrieved

XLI. AND be it enacted, that if the assessment imposed for any year or half if assessment year shall, from any unforeseen or other circumstances, prove insufficient, it insufficient, further assessment shall be lawful for the parochial board of such parish or combination to meet may be made. and impose such further and additional assessment as may be sufficient to raise the sum required.

XLII. AND be it enacted, that it shall be lawful for the parochial board of Power to any parish or combination to exempt from payment of the assessment or any part thereof, to such an extent as may seem proper and reasonable, any persons the ground or class of persons on the ground of inability to pay.

assessment on of inability to pay.

out of rent.

XLIII. And be it enacted, that where the one half of any assessment is Power to imposed on the owners, and the other half on the tenants or occupants, of levy assessment lands and heritages, it shall be competent for the collector of such assessment tenant, who to levy the whole thereof from the tenants or occupants, who shall be entitled may retain it to recover one half thereof from the owners, or to retain the same out of their rents, on production of a receipt granted by the collector of such assessment.

XLIV. AND be it enacted, that in all landward as well as all burghal Long leaseparishes and combinations, where houses have been or shall be built by the holders under tenant of any land held under a building lease upon such land, the tenant and to be considered his heirs and assignees in such lease shall for the purposes of this Act be deemed and taken to be the owners of such houses.

Canals and

XLV. And be it enacted, that in cases where any canal or railway shall pass through or be situate in more than one parish or combination, the proportion railways of the annual value thereof on which such assessment shall be made for each such parish or combination shall be according to the number of miles or distance which such caual or railway passes through or is situated in each parish or combination in proportion to the whole length.

to be assessed in more than one parish, &c.

XLVI. AND be it enacted, that the owners and occupiers of lands and heri- The same tages shall not be liable to be assessed in respect of such lands and heritages property not for the relief of the poor in more than one parish or combination.

VOL. IX.

Companies or individuals to be assessed in parishes, &c., in respect of means and substance derived from occupancy of land, or from business, in such parish, &c., though partners or individuals are not resident there.

Means and substance not to be assessed in more than one parish, &c.

Power to choose parish, &c. of assessment in respect of means and substance.

Means and substance under 30%, not to be assessed.

Stipends of clergy may be assessed.

Certain privileges of exemption not to be applicable.

Assessment to be paid at time and in manner fixed: and not to be void from error or misnomer.

Property held for benefit of poor to be administered by and vested in new parochial boards.

XLVII. And be it enacted, that if in any parish an assessment is imposed on means and substance individual shall occupy any lands and heritages, or or business in any premises within such parish or cor and the partners thereof, and such individual, shall b such parish or combination on their or his means and or relating to such occupancy, trade, or business, alth ners of such company, nor such individual, should be parish or combination; and such company and parts shall not be liable to be assessed on the same mean other parish or combination; and if any person shall l or combination upon his means and substance, other the derived from or relating to the occupancy of lands an parish or combination, or the carrying on of trade within such parish or combination, such person shall a same means and substance in any other parish or co person shall reside in and be liable to be assessed as than one parish, it shall be optional to such person t such parishes he shall be assessed on his means an means and substance derived from and relating to the heritages, or the carrying on of trade or business particular parish.

XLVIII. And be it enacted, that no person shall be any parish or combination on his means and substantantal value thereof in whole shall exceed thirty pour

XLIX. And be it enacted, that clergymen shall be the poor in respect of their stipends.

L. And be it enacted and declared, that the privile payment of assessments in the city of Edinburgh, pomembers of the College of Justice and officers of the not be applicable to assessments imposed and levied founder the authority of this Act.

LI. AND be it enacted, that where any assessment by the parochial board of any parish or combination, payable at the time or times and in the proportions parochial board; and no assessment shall be rende reason of any mistake or variance in the christian or of any person chargeable therewith, but all assessm effectual against the person intended to be charged, payment of the same.

LII. And be it enacted, that where any proper heritable or moveable, or any revenues, shall at the tire Act belong to or be vested in the heritors and kirk at the magistrates, or magistrates and town council, of sioners, trustees, or other persons on behalf of the session, or magistrates, or magistrates and town council, or Parliament, or under any law or usage, or in virtue of otherwise, for the use or benefit of the poor of such from and after a time to be fixed by the board of second contents.

the parochial board of each such parish, or of the combination in which such parish or burgh may be respectively, to receive and administer such property and revenues, and the right thereto shall be vested in such parochial board; and the said heritors and kirk session, magistrates, town council, commissioners, trustees, or other persons are hereby authorized and required either to continue to hold all such property and revenues for the behoof of such parochial board, or to make, grant, subscribe, and deliver such dispositions, assignations, and conveyances of all such property and revenues as may be necessary to enable such parochial board to administer the same for behoof of the poor of such parish or combination.

LIII. And be it enacted, that all and every sums or sum of money or other Funds given funds which have been or may hereafter be given, mortified, or bequeathed for to be invested. the use of the poor, and which shall become vested in the parochial board of any parish or combination, and whereof the annual proceeds are to be applied for behoof of the poor, shall, if not specially directed to be otherwise invested, be, without delay, either lodged in a chartered bank, or placed at interest on government or heritable security, or in the stock of one or more of the chartered banks in Edinburgh; and the board of supervision is hereby Board of authorized and empowered to require returns to be made to them from time to supervision time, as they shall deem expedient, as to all such money or funds.

for use of poor

LIV. AND be it enacted, that in all parishes in which it has been agreed that an assessment should be levied for the relief of the poor, all monies arising from the ordinary church collections shall, from and after the date on which such assessment shall have been imposed, belong to and be at the disposal of the kirk session of each parish: Provided always, that nothing herein con tained shall be held to authorize the kirk session of any parish to apply the proceeds of such church collections to purposes other than those to which the same are now in whole or in part legally applicable, or to deprive the heritors of their right to examine the accounts of the kirk session, and to inquire into the manner in which the funds have been applied: Provided also, that the session clerk or other officer to be appointed by the kirk session shall be bound to report annually, or oftener if required, to the board of supervision, as to the application of the monies arising from church collections; and if such session clerk or other officer shall refuse to make such report when required he shall be liable to a penalty not exceeding five pounds.

may require returns

Church collections in

LV. And be it enacted, that the inspector of the poor in each parish or Duties of division of a parish for which he may be appointed shall have the custody of and be responsible for all books, writings, accounts, and other documents whatsoever relating to the management or relief of the poor in such parish or division of a parish; and it shall be the duty of the said inspector to inquire into and make himself acquainted with the particular circumstances of the case of each individual poor person receiving relief from the poor funds, and to keep a register of all such persons, and of the sums paid to them, and of all Persons who have applied for and been refused relief, and the grounds of refusal, and to visit and inspect personally, at least twice in the year, or oftener if required by the parochial board or board of supervision, at their Places of residence, all the poor persons belonging to the parish or division of the parish in the receipt of parochial relief, provided that such poor persons be resident within five miles of any part of such parish or division of a parish,

inspectors of the poor.

Assistant inspectors in populous parishes.

Board of supervision may dismiss or suspend inspectors.

Inspectors may pursue and defend actions on behalf of parochial boards.

Actions to be continued by or against successor, on death, &c. of inspector.

Lunatic paupers to be placed in asylums. and to report to the parochial board and to the board of supermatters connected with the management of the poor, in confining instructions which he may receive from the said boards respections such other duties as the said boards may direct: It that in populous and extensive parishes or divisions of parish inspecting and visiting the poor may be performed by assists other competent persons, to be appointed and paid by the pathese duties, and for whose conduct and accuracy the inspesshall be responsible to the board of supervision.

LVI. AND be it enacted, that if any inspector of the perfect or refuse to perform the duties of his office, or shall, the board of supervision, be unfit or incompetent to discharge office, then it shall and may be lawful for the said board of super or order, to suspend or dismiss such inspector; and the paroparish or combination for which such person is inspector proceed to appoint another person to perform the duties of poor in the room of the inspector so suspended or dismissed

LVII. And be it enacted, that in case it shall be necessal institute any action by or on behalf of any parish or combination for the relief of the poor, such action may be brought any inspector of the poor of such parish or combination as any action to be brought against any parochial board it shalt to call the individual members of the parochial board as debe lawful for the pursuer in such action to call any inspeany such parish or combination, and such inspector shall and answer on behalf of the parochial board; and all addiligences, decree, or other proceedings, served or obtained inspector of the poor, shall be binding on and conclusive a board of the parish or combination for which he is an parochial board shall have the entire direction and control although the same may be carried on in name of the inspector.

LVIII. And be it enacted, that all actions brought inspector of the poor in his official character shall be come his successors in office, notwithstanding the death, resign removal of such inspector, upon notice given to such such of transference.

LIX. And be it enacted, that in every case in which a shall have become chargeable in any parish or combination fatuous, the parochial board of such parish or combination fourteen days from the time when such person is declar insane or fatuous, provide that such insane or fatuous pand lodged in an asylum or establishment legally author patients;

LX. And whereas for more effectually administering aged and other friendless impotent poor, and also for poor persons who from weakness or facility of mind, or and improvident habits, are unable or unfit to take affairs, it is expedient that poorhouses should be erected. Be it enacted, that in every case in which a parish or contact the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the stat

Erection, &c. of poorhouses.

contains more than five thousand inhabitants, according to the enumeration of the population then last published by authority of Parliament, it shall be lawful for the parochial board of any such parish or combination to take into consideration the propriety of erecting a poorhouse for such parish or combination, or of altering or enlarging any existing poorhouse; and if after full time and opportunity given for deliberate consideration the said parochial board shall be satisfied of the propriety of erecting a poorhouse, or of enlarging any existing poorhouse, and shall come to a resolution to that effect, such resolution shall be forthwith reported to the board of supervision, and if approved of by the board of supervision the same shall be carried into execution by the said parochial board.

LXI. AND be it enacted, that, with the concurrence of the board of super- Parishes may vision had and obtained thereto, it shall be lawful for the parochial boards of unite for the any two or more contiguous parishes to agree to build a common poorhouse building for such two or more parishes; and the expence of maintaining and erecting poorhouses. such poorhouse shall be borne by such parishes in such proportions as shall be agreed on by the parochial boards of the said parishes respectively: Provided always, that if any such agreement for the purpose of building a poorhouse has once been effected, it shall not be lawful for any one or more of the parishes to withdraw from such agreement without the consent of the board of supervision previously had and obtained.

LXII. AND be it enacted, that for the purpose of erecting new poorhouses, and for enlarging, altering, or repairing any existing poorhouse, the parochial board in any parish or combination is hereby authorized and empowered to poorhouses. borrow money; and for the more effectual securing the repayment of the sum borrowed, with interest, it shall be lawful for the said parochial board to burden or charge the future assessments for the poor in such parish or combination with the amount of the money so borowed: Provided always, that the principal sum so borrowed shall in no case exceed three times the amount of the assessment raised for the relief of the poor during the year immediately preceding that in which the money is borrowed; and that any loan of money borrowed for the purposes aforesaid shall be repaid by annual instalments of not less in any one year than one tenth of the sum borrowed, exclusive of the Payment of the interest on the same: Provided also, that no further or other sum shall be borrowed or chargeable on the poor assessment, for the purposes aforesaid, until the whole of the money last borrowed, with interest on the same, shall have been paid off.

for building

LXIII. And be it enacted, that from and after the passing of this Act no Plans for new poorhouse shall be built, nor shall any existing poorhouse be enlarged or be approved altered, nor shall it be lawful to impose an assessment or borrow money for by board of such purposes, unless the plan of such new poorhouse, or of such proposed supervision. enlargements or alterations, shall have been submitted to and approved by the board of supervision, and signed, subscribed, or endorsed by at least three of the mem bers of the said board in attestation of their approval.

LXIV. And be it enacted, that in every case in which a poorhouse already Parochial exists, or shall be built or enlarged or altered under the provisions of this Act, boards to the parochial board or boards shall frame rules and regulations for the management of such poorhouse, and for the discipline and treatment of the inmates of poorhouses. thereof, and for the admission of any known minister of the religious per-

approva
upon, ex
Poor persons
from other
parishes may
be received
approva
upon, ex

Medical attendance in poorhouses.

into poor-

houses.

Parochial boards may subscribe to hospitals, &c.

Funds raised by assessment applicable to relief of occasional poor.

Medical relief, clothing, and education.

Destitute persons to be relieved, although having no settlement in the parish to suasion of any inmate of such poorhouse at all reasonable times, of such inmate, for the purpose of affording religious assistance to and shall submit such rules and regulations to the board of approval; and no rules or regulations shall be effectual, or upon, except such as shall have been approved by the board of

LXV. And be it enacted, that it shall be lawful for the parany parish or combination in which a poorhouse has been or si erected to receive and accommodate in such poorhouse poor peto any other parish, and to charge such rates for the maintena persons as shall be approved by the board of supervision persons shall be in all respects subject to the same discipline the other inmates of the poorhouse in which they are so accordingly.

LXVI. And be it enacted, that in all cases in which polynomered or enlarged or altered, under the provisions of this A proper and sufficient arrangements made for dispensing and cines to the sick poor, under such regulations as the par make and the board of supervision shall approve; and there by the parochial board proper medical attendance for the such poorhouse, and for that purpose it shall be lawful for to nominate and appoint a properly qualified medical management attendance at such poorhouse, and to fix a reasonable paid to him by such parochial board: Provided always appear to the board of supervision that such medical management or neglects his duty, it shall be lawful for the boar suspend or remove such medical man from his appointment.

LXVII. And be it enacted, that it shall be lawful for in any parish or combination, for the benefit of the percombination, to contribute annually, or otherwise, such them may seem reasonable and expedient, from the relief of the poor, to any public infirmary, dispensary, to any lunatic asylum, or asylum for the blind or deaf a

LXVIII. And be it enacted, that from and after the assessments imposed and levied for the relief of the po-applicable to the relief of occasional as well as per always, that nothing herein contained shall be held to relief on able-bodied persons out of employment.

LXIX. And be it enacted, that in every parish or may be lawful for the parochial board, and they are the funds raised for the relief of the poor, to provid attendance, nutritious diet, cordials, and clothing manner and to such extent as may seem equitable and be lawful for the parochial board to make provis poor children who are themselves or whose parents relief.

LXX. And be it enacted, that in every case in what parish or combination shall apply for parochial relief or other officer of such parish or combination whose to such applications shall be bound to make inquiry is stances of the applicant, and shall, notwithstanding s

have a settlement in the parish or combination, if he be in other respects which they legally entitled to parochial relief, be bound to furnish him with sufficient their parishes, means of subsistence until the next meeting of the parochial board, and such &c. can be board shall continue to afford to such poor person such interim maintenance as ascertained. may be adjudged necessary until the parish or combination to which such poor person belongs be ascertained, and his claim upon such parish or combination admitted or otherwise determined, or until he shall be removed; and every inspector of the poor or other officer to whom application shall be made by or on behalf of any poor person for parochial relief shall be bound to return an answer to such application within twenty-four hours from the time when it was made: Provided always, that if the necessary means of support are afforded to the applicant in the meantime, such inspector or other officer may delay giving a final answer to such application for any period which to him may seem necessary for prosecuting his inquiries: Provided also, that such Persons applypoor person shall be bound to give to the inspector and parochial board of the information parish or combination to which he has applied for relief all information and required. assistance which it is in his power to give for the purpose of ascertaining the parish or combination to which he belongs, and every other matter regarding his case which the inspector may desire to ascertain, and shall be bound to answer upon oath, if required, all such questions as may be put to him before False swearing any justice of the peace or magistrate, and in case of false swearing shall be perjury. liable to be prosecuted for perjury.

LXXI. And be it enacted, that where in any case relief shall be afforded to Expences may a poor person found destitute in a parish or combination, it shall be lawful for from parish of the parochial board of such parish or combination to recover the monies settlement. expended in behalf of such poor person from any parish or combination within Scotland to which he may ultimately be found to belong, or from his parents or other persons who may be legally bound to maintain him: Provided Notice of peralways, that in all cases in which relief shall be afforded by one parish or become charge combination to a poor person having a settlement in another parish or com- able to be given bination, written notice of such poor person having become chargeable shall be settlement. given to the inspector of the poor of the parish or combination to which such Poor person belongs; and the parish or combination affording relief shall not be entitled to recover for any charges or expences incurred in respect of such Poor person, except from and after the date of such notice.

LXXII. AND be it enacted, that if within a reasonable time after notice the If parishes Parish or combination to which such poor person shall as aforesaid have been for removal ascertained to belong shall not remove such poor person, or shall not make of their poor Provision to the satisfaction of the parish or combination which has given the from other parishes after notice for the constant weekly subsistence of such poor person, it shall be lawful notice, parishes giving notice for the Parish or combination which has given the notice to cause such poor may remove person to be removed to the parish or combination to which he belongs, at the them, and recover expens expence of such last-mentioned parish or combination, unless such poor person from parishes shall, owing to sickness or infirmity, be incapable of being removed, in which chargeable with relief. case the Parish or combination in which he is shall be bound to relieve him, and shall be entitled to recover from the parish or combination to which he belongs the entitled to recover nominated that such amount does not exceed the matter amount so expended, provided that such amount does not exceed the matter than the parish so relieving the rate amount so expended, provided for relief of other poor persons in the parish so relieving such poor Derson.

Party refused relief may apply to sheriff.

Appeal to sheriff when amount of relief is considered inadequate.

No action to lie relative to relief, unless by consent of board of supervision.

Settlement by residence for five years.

LXXIII. And be it enacted, that if relief sh person who shall have made application for relief, for such poor person to apply to the sheriff of the or combination from which such poor person has of such parish or combination, is situate, and the he be of opinion that such poor person is, upon the to relief, make an order upon the inspector of the parish or combination, directing him to afford reli meantime until such inspector or other officer sh appointed by the said sheriff, and to be intimated statement in writing showing the reasons why person for relief was refused, which statement the appoint to be answered, and shall, if required, n and answer on behalf of such poor person, and sh a record to be made up, and a proof to be led by lawful for the sheriff, if he shall see fit, to direct poor person to be continued until a final judgmen on the merits of the case: Provided always, th shall be construed to enable the said sheriff to d the relief which may be afforded, or to interfere relief to be given in any individual case.

LXXIV. And be it enacted, that in every cas shall consider the relief granted him to be in shall lodge or cause to be lodged a complaint wi which board shall and is hereby required, with nature and grounds of the complaint; and if upo the grounds of such complaint are well founded, removed, then the said board shall by a minute of the board such poor person has a just cause of combination from which he claims relief, and a c and signified by the secretary, shall, if require person, and upon the production or exhibition of thereof such poor person shall forthwith, and wit be entitled to the benefit of the poor's roll in shall be lawful for the board of supervision, after commenced by or on behalf of such poor per interim aliment as to the said board shall seem j such action, which award the parochial board o bination shall be bound to obey.

LXXV. Provided always, and be it enacted, to for any court of law to entertain or decide any so of relief granted by parochial boards, unless the previously have declared that there is a just cau provided.

LXXVI. AND be it enacted, that from and after person shall be held to have acquired a settlement by residence therein unless such person shall has tinuously in such parish or combination, and shouthout having recourse to common begging, eit

and without having received or applied for parochial relief; and no person who shall have acquired a settlement by residence in any parish or combination shall be held to have retained such settlement if during any subsequent period of five years he shall not have resided in such parish or combination continuously for at least one year: Provided always, that nothing herein contained shall be held to affect those persons who, previous to the passing of this Act, shall have acquired a settlement by virtue of a residence of three years, and shall have become proper objects of parochial relief.

TLXXVII. AND be it enacted, that if any poor person born in England, Removal of Ireland, or the Isle of Man, and not having acquired a settlement in any parish and late of Man or combination in Scotland, shall be in the course of receiving parochial relief paupers. in any parish or combination in Scotland, then and in such case it shall be lawful for the sheriff or any two justices of the peace of the county in which such parish or any portion thereof is situate, and they are hereby authorized and required, upon complaint made by the inspector of the poor or other officer appointed by the parochial board of such parish or combination that such poor person has become chargeable to such parish or combination by himself or his family, to cause such person to be brought before them, and to examine such person or any witness, on oath, touching the place of the birth or last legal settlement of such person, and to take such other evidence or other measures as may by them be deemed necessary for ascertaining whether he has gained any settlement in Scotland; and if it shall be found by such sheriff or justices that the person so brought before them was born either in England or Ireland or the Isle of Man, and has not gained any settlement in Scotland, and has actually become chargeable to the complaining parish or combination by himself or his family, then such sheriff or justices shall and they are hereby empowered, by an order of removal under their hands, which order may be drawn up in the form of the schedule (A.) hereunto annexed, to cause such poor person, his wife, and such of his children as may not have gained a settlement in Scotland, to be removed by sea or land, by and at the expence of the complaining parish, to England or Ireland or the Isle of Man respectively, according as such poor person shall belong to England, Ireland, or the Isle of Man: Provided always, that no person shall be so removed until there has been obtained a certificate, on soul and conscience, by a regular medical practitioner, setting forth that the health of such person, his wife and children as aforesaid. is such as to admit of such removal: Provided also, that nothing herein contained shall prevent any parochial board or their inspector from making arrangements for the due and proper removal of such poor persons either by land or water, provided the arrangement be made with the consent of such poor persons themselves.

LXXVIII. And be it enacted, that every officer, constable, or other person Removing to whom any such order of removal shall be delivered for the purpose of being officers to powers of carried into execution shall and may by virtue thereof detain and hold in safe constables. custody every poor person mentioned in any such order, until such poor person shall have arrived at the place to which he is ordered to be removed, and shall and may for that purpose, in every county and place through which he shall

English, Irish,

I Section 77 is rep., 25 & 26 Vict. c. 113. s. 8., in so far as inconsistent with the provisions of that Act.]

pass in the due execution of such order, have and exerce which a constable is by law invested, notwithstanding so otherwise be empowered to act as a constable for the courtively through which he may have occasion to pass in carrevecution, and although such order may not have been grany judge or magistrate of such county or place.

Persons so removed again becoming chargeable to be punished.

1579, c. 74.

Punishment for desertion of wife or children, and refusal to maintain illegitimate children.

1579, c. 74.

Penalties how to be recovered. LXXIX. And be it enacted, that if any person who he England or Ireland or the Isle of Man from any parish Scotland, under any order of removal, shall afterwards retapply for relief or again become chargeable, by himself of same parish or combination, without having obtained a sett person shall be deemed to be a vagabond under the provisi Scottish Parliament passed in the year one thousand five him, intituled "An Act for punishment of strang and idle of the pure and impotent," and may be apprehensed in the provision of the pure criminally before the sheriff of the county in which such put thereof is situate, at the instance of the inspector of the purish he shall have so applied for relief or become charge conviction be punishable by imprisonment, with or we for such a period as the said sheriff shall think proper months.

LXXX. And be it enacted, that every husband or fath or neglect to maintain his wife or children, being able mother and every putative father of an illegitimate child has been admitted or otherwise established, who shall maintain such child, being able so to do, whereby such child shall become chargeable to any parish or combination be a vagabond under the provisions of the aforesaid Parliament passed in the year one thousand five hundre and may be prosecuted criminally before the sheriff of such parish or combination or any portion thereof is situathe inspector of the poor of such parish or combination viction be punishable by fine or imprisonment, with or vat the discretion of the said sheriff.

LXXXI. And be it enacted, that every penalty or for this Act, the recovery of which is not otherwise provided by summary proceeding upon complaint in writing made secretary to the board of supervision, or of any agent to minute of the said board, to the sheriff of the county in whave been committed, or to the sheriff of any county in may be found; and on such complaint being made such warrant for bringing the party complained against befor an order requiring the party complained against to appear time and place to be named in such order; and every served on the party offending, either in person, or by leaving at his usual place of abode a copy of such order, and of upon the same has proceeded; and either upon the appear of the party offending it shall be lawf proceed to the hearing of the complaint, and upon proof

by the confession of the party complained against or other legal evidence, and without any written pleadings or record of evidence, to convict the offender, and upon such conviction to decern and adjudge the offender to pay the penalty or forfeiture incurred, as well as such expences as the sheriff shall think fit, and to grant warrant for imprisoning the offender until such penalty or forfeiture and expences shall be paid: Provided always, that such warrant shall specify the amount of such penalty or forfeiture and expences, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or forfeiture or expences shall not have been paid, and shall in no case exceed three calendar months.

LXXXII. And be it enacted, that the sheriff by whom any penalty or Application forfeiture shall be imposed by virtue of this Act, the application whereof is not of penalties. herein otherwise provided for, shall award such penalty or forfeiture to the poor of the parish or combination in which the offence shall have been committed, and shall order the same to be paid over to the inspector of the poor or other officer for that purpose; provided that no person shall be liable to the Penalties payment of any penalty or forfeiture imposed by virtue of this Act unless such secuted for penalty or forfeiture shall have been prosecuted for within six months after within six the commission of the offence for which it has been incurred.

LXXXIV. And be it enacted, that if any person who shall be summoned as a Penalty on witness to give evidence before any sheriff in any matter in which such sheriff making default. shall have jurisdiction under the provisions of this Act shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, or appearing shall refuse to be examined upon oath or to give evidence before such sheriff, every such person shall forfeit a sum not exceeding five pounds for every such offence, over and above any other punishment to which such person may by law be liable for every such refusal.

LXXXV. And be it enacted, that no proceeding for the recovery of penal Informalities. ties or forfeitures in pursuance of this Act shall be set aside for want of form. or on the ground of no record having been made, nor shall the same be removed by suspension, advocation, appeal, or otherwise into or be in any manner subject to review or reduction by any superior court.

LXXXVI. And be it enacted, that all actions on account of any thing done Limitation in the execution of this Act shall be brought before the sheriff court, and &c. every such action shall be commenced within three calendar months after the fact committed, and notice in writing of such action, and of the cause thereof. shall be given to the defender one calendar month at least before the commencement of the action; and no pursuer shall recover in any action for Tender of irregularity or wrongful proceedings if tender of sufficient amends shall be made by or on behalf of the party who shall have committed or caused to be committed any such irregularity or wrongful proceedings before such action shall have been brought, or if during the dependence of such action a tender shall be made of sufficient amends, and of all charges and expences which the pursuer may already at the time of such tender being made have incurred in prosecuting such action.

LXXXVII AND be it enacted, that in case any parochial board shall refuse Provision for or neglect to do what is herein or otherwise by law required of them, or in refusal or neglect of case any obstruction shall arise in the execution of this Act, it shall be lawful parochial

for the said board of supervision to apply by summary p Session, or during the vacation of the said court to the bills, which court and lord ordinary are hereby author such case to do therein as to such court or lord ordinary necessary.

Assessments for the poor may be recovered summarily as land and assessed taxes. LXXXVIII. And be it enacted, that the whole power summary warrants and proceedings, and all remedies for collecting, levying, and recovering the land and assethem, and other public taxes, shall be held to be appropriately imposed for the relief of the poor; and the sheriffs, made peace, and other judges may grant the like warrants such assessments in the same form and under the same in regard to such land and assessed taxes and other always, that it shall nevertheless be competent to proceed assessments by action in the sheriff's small debments for the relief of the poor shall, in case of bankpaid out of the first proceeds of the estate, and shall debts of a private nature due by the parties assessed.

Preferential payment of assessments in case of bankruptcy.

LXXXIX. And be it enacted, that if the parochia combination shall find it necessary in any year or had ments for the relief of the poor beyond the amount rapplicable to the expenditure of such year or half ye for such board to borrow money on the security of su as is still due and unreceived, but not to an amount such part of such assessment; and when any money aforesaid on the security of assessments, it shall no on the security of any future assessment until the m shall have been paid off.

Parochial b oards may borrow money on security ofassessments remaining due.

XC. AND be it enacted, that in all cases in which Act notice or intimation is required to be given particular form of the notice, or the manner in which it shall be lawful for the board of supervision from of such notice or intimation, and the manner be given.

Notices how to be given.

XCI. nothing herein affect or repeal an Act passed in the seventh ye intituled "An Act for the liquidation of the debt o" house of the city of Edinburgh," in so far as sue and the powers thereby conferred for paying off the

Saving for 7 & 8 Vict. cap. vi.

SCHEDULE to which the foregoi

SCHEDULE (A.) [4]

ORDER for Removal to Engli

I, A.B., the sheriff [or we, C.D. and E.F., two c the county of , do hereby ord

In See note to section 7

become and is now actually chargeable to the parish of be removed, with J.H. his wife and K.L.M. his children, and conveyed to England, &c., in pursuance of the provisions of an Act made and passed in the eighth and ninth years of the reign of Queen Victoria, intituled [title of this Act].

(Signed)

CHAPTER LXXXV.

An Act for the Management of the Customs.

[4th August 1845.]

II. AND be it enacted, that it shall be lawful for her Majesty from time to Appointment time to appoint, under the great seal of the United Kingdom, any number of sioners of persons not exceeding thirteen to be commissioners of her Majesty's customs, customs. for the collection and for the management of the customs in and throughout the whole of the United Kingdom, and of any of her Majesty's possessions abroad; and that each of such commissioners, when so appointed, shall have and hold his office during her Majesty's pleasure.

III. And be it enacted, that the said commissioners so appointed or to be Commissioners appointed by her Majesty shall, in all matters and things relating to the to be subject to the control execution of their duties, be subject to the authority, directions, and control of of the Treathe commissioners of her Majesty's Treasury of the United Kingdom of Great sury. Britain and Ireland, and shall obey such orders and instructions as shall from time to time be issued to them by the said commissioners of her Majesty's Treasury under the hands of three or more of them.

CHAPTER XCVI.

AN ACT to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways.

[4th August 1845.]

HEREAS provisions have been introduced in various Acts of Parliament, during the present session of Parliament, relating to railways, giving to railway companies general powers of granting or accepting a lease, sale, or transfer of their own or other lines of railway; and it is expedient that such powers should be restrained: Be it therefore enacted by the Queen's most No railway excellent Majesty, by and with the advice and consent of the lords spiritual company to nd temporal, and commons, in this present Parliament assembled, and by the assle, lease, authority of the same, that it shall not be lawful for the company of proprie- or other transfer of tors of any railway, by virtue of any powers contained in any Act passed in any railway, the present session, to make or grant, or for any other railway company or unless under a distinct party, by Virtue of any such powers, to accept, a sale, lease, or other transfer provision of of any rail way, unless under the authority of a distinct provision in some Act specifying of Parliament to that effect, specifying by name the railway to be so leased, sold, the parties. or transferred, and the company or party by whom such lease, sale, or transfer may be respectively made, granted, or accepted.

CHAPTER XCIX.

An Acr to amend an Act of the Tenth Year of His late Majesty the Fourth, for consolidating and amending the Laws rel Management and Improvement of His Majesty's Woods, F and Chases; and for other Purposes relating to the said Lar

[4th]

10 Geo. 4. e. 50. s. 28.

Sect. 28.

Sect. 30.

Sect. 61.

HEREAS by an Act passed in the tenth year of the reign King George the Fourth, intituled "An Act to consolidate " the laws relating to the management and improvement of " woods, forests, parks, and chases, of the land revenue of the " the survey of the Exchequer in England, and of the land re " crown in Ireland, and for extending certain provisions relatin " to the isles of Man and Alderney," it was (amongst other th that it should be lawful for the commissioners for the time Majesty's woods, forests, and land revenues, as therein is mention to time to demise and lease, or to enter into any contract or demising and leasing, any part or parts of the possessions and la the crown to which the now reciting Act related, to any person body or bodies politic, corporate, or collegiate, for any term ninety-nine years from the time of making such lease or agree to say,) amongst other hereditaments, of land or ground proper i of any houses or other buildings thereupon, with or without curtilages, and other appurtenances to be used therewith, and w or intended lessee should covenant or agree to erect a building thereon of greater yearly value than such land or ground; and enacted, that in every lease to be granted under the power given there should be reserved and made payable, during the term thereby granted, such clear yearly rent as to the said con the time being of his Majesty's woods, forests, and land revenue a reasonable rent or consideration for such lease, without taking the same, except as therein-before mentioned; and it was furth in any lease to be granted under any of the powers thereinany land or ground, tenements, or hereditaments, where, at the t such lease, (or, if such lease should be granted in pursuance agreement, at the time when such agreement should have be should not be any substantial building or buildings upon the land demised, and the lessee or lessees should agree to erect on such any building or buildings of greater yearly value than the demised or agreed to be demised, it should be lawful to rese period not exceeding the first three years of the term the nominal rent, or such other rent only as to the said commission being of his Majesty's woods, forests, and land revenues shoul it was also further enacted, that before the making or entering ment for making any lease by the said commissioners of his forests, and land revenues, under the powers therein-before con of the part or parts of the possessions and land revenues of posed to be leased, where the same should be capable of such estimate of the value thereof, should be taken and made as in mentioned: And whereas by an Act passed in the second year

his late Majesty King William the Fourth, intituled "An Act for uniting the 2 & 3 Will. 4. " office of surveyor general of his Majesty's works and public buildings with "the office of the commissioners of his Majesty's woods, forests, and land " revenues, and for other purposes relating to the land revenues," it was enacted, that the persons to be appointed as therein mentioned, and their successors, should be called "the commissioners of his Majesty's woods, forests, " land revenues, works, and buildings," and that all Acts of Parliament, deeds, bonds, contracts, agreements, and other instruments, in which the commissioners of his Majesty's woods, forests, and land revenues, or the surveyorgeneral of his Majesty's works and public buildings, were named or mentioned, should apply to the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings, so to be appointed as therein mentioned, as if such last-mentioned commissioners had been originally named and made parties to such Acts of Parliament, deeds, bonds, contracts, agreements, and other instruments, instead of the commissioners of his Majesty's Woods, forests, and land revenues, and the surveyor-general of his Majesty's Works and public buildings: And whereas an Act was passed in the third and fourth year of the reign of his late Majesty King William the Fourth, intituled An Act to extend and enlarge the powers of the commissioners of his 8 & 4 Will. 4. Majesty's woods, forests, land revenues, works, and buildings in relation to " the management and disposition of the land revenue of the crown in "Scotland": And whereas it is expedient that the said powers of leasing contained in the said recited Acts should be altered and extended: Be it Commissioners enacted by the Queen's most excellent Majesty, by and with the advice and of woods, &c. consent of the lords spiritual and temporal, and sommons, in this present Par- or lease any liament assembled, and by the authority of the same, that from and after the portion of the shore of passing of this Act, in the execution of the powers of leasing or agreeing to the sea or lease in the said recited Acts contained of any land or ground by the said navigable rivers, or lands. Acts authorized to be leased for any term not exceeding ninety-nine years, it dereliet or shall be lawful for the commissioners of her Majesty's woods, forests, land the sea, or revenues, works, and buildings, for the time being, to demise and lease, or to enter into any contract or agreement for demising and leasing, all the estate, right, title, and interest of her Majesty, her heirs and successors, in right of not exceeding her crown, of and in any portions of the shore of the sea or any arms thereof, or where lessee of navigable rivers or lands, derelict or gained, or which may hereafter become shall covenant derelict or be gained, from the sea or any arms thereof, or navigable rivers, as to construct by the said recited Acts is provided with regard to land or ground thereby authorized to be leased for any term not exceeding ninety-nine years as aforesaid, except that when the lessee or lessees shall covenant and agree to make for the erection any embankments, or do other acts, in the opinion of the said commissioners of any other necessary or expedient for the reclaiming any such land, or to construct or erect wharfs, docks, or other works thereon, or on any part thereof, to the satisfaction of the said commissioners, and for the permanent improvement of the value of the said land, it shall not be necessary that such lessee or lessees should agree or enter into any contract to erect on such land, or any part thereof, any building or buildings, other than and except as aforesaid.

II. AND be it enacted, that when any leases shall be granted or agreements When any entered into after the passing of this Act, in pursuance of the powers in the erected said recited Acts or this Act contained, of any land or ground, and whereon buildings on

hereafter to become so, for any term out requiring buildings.

in ignorance of title of the crown, commissioners may grant leases of such lands as by recited Acts is provided, with reference only to value of land as building ground, and without reference to such buildings. Commissioners, in future exercise of powers given of granting leases for 99 years, may reserve either one uniform rent, or separate rents for separate parts of the term.

or on any part whereof any person or persons to whom any be granted, or with whom any such agreements may be en have erected any buildings which in the opinion of the sai were erected in ignorance of the crown's title to such land, may be granted or agreements entered into in all respects recited Acts is provided, but without reference to or taking in the value of the buildings so erected, and with reference only the land for building ground, either at the time of the erection ings, or at the time of granting the said lease, or of enteragreement, as the said commissioners may think fit.

IV. AND be it enacted, that from and after the passing of exercise of the powers in the said first-recited Act or in the with regard to ground authorized to be let or agreed to be not exceeding ninety-nine years for building purposes, whe lessees shall agree to erect buildings thereon, or otherwise, mentioned, or on any part thereof, the said commissioners m think fit, either reserve one uniform rent in respect thereof separate rents for separate parts of the term demised or agree varying in such manner as may be determined on by the sa for the time being, instead of one uniform rent during the sai and every the leases or agreements for leases by the said authorized to be granted or entered into shall in all resp entered into in the manner and subject in all respects as recited Act is provided, except as far as the terms and provis first-recited Act, as to the granting and making such leases a aforesaid, are hereby altered or extended.

V. And be it enacted, that where any licence or waiver of power of re-entry reserved in any lease heretofore granted granted of the possessions or land revenues of the crown after the passing of this Act be given by the said commissi of them, (which they are hereby authorized to do, by any writing, without stamp,) every such licence or waiver shall, expressed, only extend to the actual breach of the particular dition in respect of which the same is given, or to any speci proviso or covenant made or to be made, but not so as proceeding for any subsequent breach or omission (unless ot in such licence), or to the actual assignment, under-lease, thereby specifically authorized to be done; and all rights und powers of forfeiture and re-entry in the lease contained sh force and virtue, and shall be available as against any subs covenant or condition, assignment, under-lease, or other matte authorized or made dispunishable by such licence or waiver, in as if no such licence or waiver had been given; and the conre-entry shall be and remain in all respects as if such licen not been given, except in respect of the particular matter waiv to be done or omitted.

VI. AND be it enacted, that it shall be lawful for the said her Majesty's woods, forests, land revenues, works, and buildi

Where any licence or waiver of forfeiture reserved in any lease of the land revenues of the crown shall be given by the commissioners, such licence, &c. shall extend only to the breach of the particular covenant, and not prevent proceedings, for subsequent breach.

Commissioners may accept a surrender of

being, in the execution of the powers contained in the said Act passed in the any lease, and tenth year of King George the Fourth, to accept a surrender of any lease of leases of the any of the possessions or land revenues of the crown, and to grant separate hereditaments leases of the hereditaments so surrendered, for the residue of the term for and apportion which such surrendered hereditaments were held, and to apportion the rent the rent rereserved in or by any such surrendered lease, as they shall think fit; and any surrendered leases which may heretofore have been made on any such surrender as aforesaid, and which might have been made if this Act had passed, are (so far as relates to any question as to the validity of any such surrender and re-grant) hereby confirmed.

served by the

VII. AND be it enacted, that whenever a surrender shall be made of any New leases existing lease, for the purpose of taking a new lease or leases by virtue of this a renewal of Act, the new lease or leases shall be taken to be a renewal of the surrendered the surrendered lease, within the scope and meaning of the sixth section of an Act passed in 4 Geo. 2. the fourth year of the reign of King George the Second, intituled "An Act for c. 28. 8. 6., " the more effectual preventing frauds committed by tenants, and for the more the surrender " easy recovery of rents and renewal of leases," so far as to render unnecessary of underleases unnecessary. the surrender of any under-leases previously to the granting of such new lease or leases, and to give full effect to such new lease in all respects, notwithstanding any under-lease or under-leases may not be surrendered.

leases within so as to render

VIII. And whereas in many of the leases of crown lands there is contained a covenant on the part of the lessee to insure the buildings therein against fire in the names of the commissioners for the time being of her Majesty's woods, forests, land revenues, works, and buildings, and in many cases such covenants have not been strictly observed, by reason of the changes of the said commissioners, or otherwise; and it is expedient that the lessees should be relieved from the forfeiture incurred by such non-observance of covenants, and that some provision should be made for facilitating the due observance thereof in future: Be it enacted, that where in any lease heretofore made, or which shall at any time hereafter be made, in pursuance of the powers in the said Act of the tenth year of King George the Fourth or in this Act contained, there shall be contained a covenant on the part of the lessee to insure against fire the buildings erected, or the hereditaments therein comprised, it shall be lawful for the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, or any two of them, at their discretion, to release by licence or waiver, as herein-before is provided, the tenant or lessee from any such covenant, whether default has been made in the same or not, or for any particular breach thereof; and where any such and may designate insurance is covenanted to be made in the names of the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being OF in the joint names of the same commissioners and any other person or persons, or otherwise, it shall be lawful for the said commissioners for the instead of instead of the time being, or otherwise, it shall be lawful to the discretion, to designate in writing names of the name of the commissioner any person or any two of them, at their discretion, to designate in the second sciences; in lies. Or persons in whose name or names such insurance is to be made commissioners; in lieu of the names of the said commissioners for the time being; and the name or mannes of the said community to the purposes of any such insurance and covenant, and shall so continue until such designation as aforegoid. aforesaid shall be revoked in writing, and a new person or persons appointed IX.

Commissioners may relieve tenants from forfeiture for breach of covenants to insure ;

designate in writing any persons in whose names such insurance instead of in the

or any such insurance may be made in the name of the commissioners of woods, &c. as if they were a corporation, or jointly in such name and the names of any other persons; and such an insurance shall be deemed a compliance with the covenant.

38 Geo. 3. c. 60.

42 Geo. 3, c. 116,

10 Geo. 4. e. 50.

for the purposes aforesaid by the said commissioners of he forests, land revenues, works, and buildings, for the time be them; or any such insurance may be made in the name of of her Majesty's woods, forests, land revenues, works, and b were a corporation, or jointly in such name and in the nan other person or persons; and the commissioners aforesaid, by the name of the commissioners of her Majesty's w revenues, works, and buildings, alone or jointly with an persons, as the case may be, shall sue and recover and receiv so effected as aforesaid, in all respects, by such name as a they were incorporated by such name; and any insurance or names of the person or persons so nominated as aforesa jointly with any other person or persons (as the case may l of the said commissioners as aforesaid, and either jointly or and as the said commissioners for the time being, or any t direct, shall be and be deemed to all intents and purposes and performance of any covenant already entered into, entered into, to insure in the names of the said commissi being, either solely or jointly with any other person or person

IX. AND whereas by the Act of the thirty-eighth year of King George the Third, for the redemption of the land to crown lands were excepted from the general preference redeeming the land tax therein given to persons having an in lands or hereditaments wherein any land tax was charges by the Act of the forty-second year of the reign of his a George the Third, for making further provisions for the land tax, after mentioning that it might have happened tha of crown lands had redeemed the land tax charged thereon, a the consideration for the redemption thereof as if they had I contract for the same, it was by the last-mentioned Act prov be lawful for the lord high treasurer, or the commissioners Treasury, for the time being, in all such cases to cause to be such lessees or tenants so much capital stock as should amount to the stock transferred by such lessees or tenants of such land tax which ought not to have been contracted his Majesty, his heirs and successors, should be entitled to land tax: And whereas by the aforesaid Act of the tent Majesty King George the Fourth it was enacted, that it she the said commissioners for the time being of his Majesty's land revenues to redeem the land tax charged on any part of the crown, and to purchase any land tax on any part thereof been redeemed or should be redeemed by any other personal such provision was not to authorize any person or perso redeem the land tax charged on any crown lands contrary to the said Act of the forty-second year of King George the Tl lessees or tenants of crown lands may have entered into, enter into, contracts for the purchase or redemption of the lands, and may have transferred or may transfer to the con reduction of the national debt sums of three per centum bar consideration for the purchase or redemption of such land tax, in ignorance of the exception in the said Act of the thirty-eighth year of the reign of his said Majesty King George the Third herein-before referred to; and it is expedient that the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, should be empowered to reimburse such tenants or lessees, their executors, administrators, or assigns, as after mentioned, and that thereupon such crown lands as aforesaid should become exempt from land tax: Be it therefore enacted, that in any case where any Where a tenant or lessee of any part of the possessions of the crown to which the said tenant of crown lauds Act of the tenth year of King George the Fourth or this Act relates shall have transfers any transferred, or at any time hereafter shall transfer, any sum or sums of stock purchase or into the names of the commissioners for the reduction of the national debt, for redemption of the purpose of purchasing or redeeming the land tax on the crown-lands of such lands in which such person was or shall be such tenant or lessee, and such attempted ignorance of purchase or redemption shall be invalid or doubtful under the aforesaid in ss Geo. 8. provision of the said Act of the thirty-eighth year of King George the Third, c. 60., the it shall be lawful for the commissioners of her Majesty's woods, forests, land may transfer to revenues, works, and buildings, for the time being, with the consent in such tenant so much stock as writing of the lord high treasurer for the time being, or of any three of the shall be a commissioners of her Majesty's Tressury for the time being, by and out of the compensation for the stock annual income of the land revenues of the crown, to purchase and cause to be transferred by transferred to any such lessee or tenant as aforesaid, his executors, administrators, or assigns, so much stock as, under all the circumstances of the case, shall, in the judgment of the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, be a due compensation for the stock so transferred by such tenant or lessee; and upon the execution by the Lands to be party to whom such stock shall be so transferred of an instrument in writing thereupon discharged from acknowledging the transfer thereof, (to be enrolled in the office of land revenue land tax; but records and enrolments,) the lands on which the land tax shall have been so the crown to be entitled attempted to be purchased or redeemed by such tenant or lessee as aforesaid to a rentshall become and be absolutely freed and discharged of and from the payment charge equivaof the land tax, and all arrears thereof: Provided always, that during the during the continuance of the estate of any such tenant or lessee, his executors, adminis- continuance of the tenancy. trators, or assigns, by whom such attempted purchase or redemption of land tax as aforesaid shall have been made, her Majesty, her heirs and successors. shall have and be entitled to a rent-charge to be issuing out of such lands the land tax whereof shall have been so redeemed, equal in amount to the land tax redeemed; and such rent shall be payable yearly, and shall be recovered by distress as in case of rent reserved on lease.

commissioners such tenant, &c.

CHAPTER C.

AN ACT for the Regulation of the Care and Treatment of Lunatics.

[4th August 1845.] B^E it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act an Act passed in the session of Parliament holden in the second and third Repeal of years of the reign of his late Majesty King William the Fourth, intituled "An Act for 2 & 3 Will. 4.

& 9 VICTORIA, c. 100. from thence until the end of the then ment of insane persons in England" at holden in the third and fourth years . An Act to amend an Act of the second gulating the care and treatment of ins in the session of Parliament holden Parli aid late Majesty, intituled "An Act to the end of the then next session of P nglan year and the third and fourth year ears o nd treatment of insane persons in En and f ament holden in the first and second ye= s to tl "An Act to continue for three years, a sion of Parliament, two Acts relating England;" and an Act passed in the f the reign of her said present Majesty_ e perso s, and from thence to the end of the the Le fift g to the care and treatment of insane p end, a he session of Parliament holden in the sent Majesty, intituled "An Act to amento the end of the next session of Parlia of coun the metropolitan commissioners and e and the ne persons, and for the inspection of peal any ception of insane persons," shall be an so far as they or any of them repeal hereafter 1: the fifth ne persons already appointed and here alter and a ne session of Parliament holden in the mature of t Majesty, intituled "An Act to alter orth be and eding under commissions in the natural ence as the the lord chancellor is empowered t issioners in Lunacy," shall henceforth Act, 187 Ashley, the hall take the same rank and precedence on Smith, Chancery. [Rep., Stat. Law Rev. Ac Barlow, o at the Right Honourable Lord Ash esquire. e Right Honourable Robert Vernon 🕿 Jume, of unty of Dorset, esquire, Francis Ba n, esquire, Jan has Turner, of Curzon Street, esqui all, of the Mide Street, esquire, John Robert Hume, rt Southey, a n Waller Procter, of Gray's Inn, esquare physicians, a n, esquire, and John Hancock Hall, of r John Hanco Thomas Turner, Henry Herbert Soers-at-law of t other of the said persons, are physical successors, to eter, James William Mylne, and John the purposes at such comm persons, are practising barristers-atces during go upwards,) and their respective succe mmissioners, a ided, shall be commissioners for the p nmissioners in Lunacy"; and that suc y other office hall respectively hold their offices du in or profit sh. ommissioners ng as they shall remain such commiss Act, accept, hold, or carry on any othe rs of five yes employment, from which any gain or nd above the in visiting a all be paid to each of the six commission physicians, surgeons, or barristers of in pursuance er · · · · · , over and all er expences whilst employed in vils, workhouses, or other places, in pu

this Act, the yearly salary of one thousand and five hundred pounds.

IV. AND be it enacted, that as often as any commissioner appointed by this In case of Act or to be appointed under this present provision shall die, or be removed fication, refusal, for ill-behaviour, or be disqualified, or resign, or refuse to act, or become unable or inability of by illness or otherwise to perform the duties or exercise the powers of this others to be Act, the lord chancellor shall appoint a person to be a commissioner in the room appointed. of the commissioner who shall die, or be removed, or be disqualified, or resign. or refuse or become unable to act as aforesaid, but so that every person so appointed in the room of a physician shall be a physician or surgeon, and every person so appointed in the room of a barrister of five years standing at the bar and upwards shall be a practising barrister of not less than five years standing at the bar, and every person appointed in the room of any other commissioner shall be neither a physician nor a surgeon, nor a practising barrister; and until such appointment it shall be lawful for the continuing commissioners or commissioner to act as if there were no such vacancy.

V. And be it enacted, that any superannuation allowance to be granted to Superannuation any commissioner appointed or to be appointed under this Act shall be granted commissioner only in respect of services performed under this Act, and shall be subject to the provisions of an Act passed in the fourth and fifth years of his late Majesty King William the Fourth, intituled "An Act to alter, amend, and consolidate 4 & 5 Will. 4. " the laws for regulating the pensions, compensation, and allowances to be c. 24. " made to persons in respect of their having held civil offices in his Majesty's " service," so far as such provisions relate to officers and clerks who had entered or might enter the public service subsequent to the fourth day of August one thousand eight hundred and twenty-nine.

VI. And be it enacted, that every person hereby or hereafter appointed a Commissioners commissioner under this Act shall, before he acts in the execution of his following duty as a commissioner, take an oath to the following effect; (that is to say,)

following oath.

A.B. do swear, that I will discreetly, impartially, and faithfully execute all the trusts and powers committed unto me by virtue of an Act of Parliament made in the ninth year of the reign of her Majesty Queen Victoria, intituled [here insert the title of the Act]; and that I will keep secret all such matters as shall come to my knowledge in the execution of my office (except when required to divulge the same by legal authority, or so far as I shall feel myself called upon to do so for the better execution of the duty imposed on me by the said Act). So help me GOD.'

Which oath it shall be lawful for the lord chancellor to administer to every commissioner; and any three of the commissioners who shall have pretaken the oath are hereby authorized to administer such oath to any

other commissioner.

VII. AND be it enacted, that the commissioners shall cause to be made a Commissioners icen of the commission, and shall cause to be sealed or stamped therewith all to have a common soal. the Commissioners, in pursuance of this Act, except such orders or instruments Documents to be sealed. are herein-after required or directed to be given or signed and sealed by one commission er or two commissioners; and all such licences, orders, and instru-Evidence of the next of the seal of documents. pies thereof, purporting to be sealed or stamped with the seal of documents.

the commission, shall be received as evidence of the same respectively having been granted, made, issued, or author commissioners, without any further proof thereof; and no such lic or instrument, or copy thereof, shall be valid, or have any force or eather same shall be so sealed or stamped as aforesaid.

Commissioners to elect a permanent chairman.

VIII. AND be it enacted, that the commissioners or any five of as soon as may be after the passing of this Act, meet at the usu place of business now occupied or used by the metropolitan comm lunacy, or at such other place as the lord chancellor shall direct, an of the same commissioners (not being a physician or a barrister re salary by virtue of this Act) to be the permanent chairman of the c and in case such permanent chairman, or any other permanent cha shall thereafter be elected in pursuance of this provision, shall die, of become incapable to act as chairman, or shall cease to be a commission and as often as the same shall happen the commissioners for the time any five of them, at any meeting to be specially summoned for the shall elect another person to be the permanent chairman of the cor the place of the chairman who shall so die, or decline or become in act, or cease to be a commissioner as aforesaid; and in case the chairman for the time being shall be absent from any meeting lawful for the majority of the commissioners present at any such elect a chairman for that meeting; and in all cases every questi decided by a majority of voters, (the chairman, whether permane porary, having a vote,) and in the event of an equality of votes th for the time being shall have an additional or casting vote.

Appointment of secretary.

IX. AND be it enacted, that Robert Wilfred Skeffington Lucincoln's Inn, esquire, shall be the secretary to the commissioners the said Robert Wilfred Skeffington Lutwidge, and IRep., Stat. Law Rev. every secretary to be hereafter appointed, shall be removeable from by the lord chancellor, on the application of the commissioners; a coften as the said Robert Wilfred Skeffington Lutwidge, or IRep., Stat. Law 1875. I amy secretary to be appointed under this present provision, shall appoint a person to be secretary in the said Robert Wilfred Skeffington Lutwidge, or other IRep., Stat. Law 1875. I the secretary who shall die or resign or be removed as aforthat the secretary for the time being shall, in the performance of all and in all respects, be subject to the inspection, direction, and commissioners; and that there shall be paid to the secretary for being, , the yearly salary of eight hundred.

His salary.

Superannuation allowance to secretary.

4 & 5 Will. 4. c. 24. X. And be it enacted, that any superannuation allowance to be any secretary appointed or to be appointed under this Act shall be only in respect of services performed under this Act, and shall be the provisions of an Act passed in the fourth and fifth years of his la King William the Fourth, intituled "An Act to alter, amend, and o" the laws for regulating the pensions, compensation, and allowan" made to persons in respect of their having held civil offices in his

" service," so far as such provisions relate to officers and clerks

entered or might enter the public service subsequent to the fourth day of August one thousand eight hundred and twenty-nine.

XI. AND be it enacted, that it shall be lawful for the commissioners to Power for the appoint, during pleasure, any two persons as clerks to the commissioners, and commissioners to allow to such two clerks any such yearly or other salaries (not exceeding in clerks, with the whole the yearly sum of two hundred pounds for such two clerks) as the salaries. commissioners shall think proper; and further, that it shall be lawful for the Appointment commissioners, at any time hereafter, in case they shall find it expedient so to additional do, for the due performance of the business of the commission, with the consent clerks. of the lord high treasurer or of the commissioners of her Majesty's Treasury, , to appoint one or two other clerks, (in addition to the two clerks firstly herein-before mentioned,) and to allow to such one or two additional clerk or clerks any such yearly or other salaries as the commissioners shall think fit (not exceeding in the whole the yearly sum of two hundred pounds);

XII. And be it enacted, that every person appointed to be secretary or clerk Secretary and as aforesaid shall, before he shall act as such secretary or clerk, take the clerks to take following oath, to be administered by any one of the commissioners:

- A.B. do swear, that I will faithfully execute all such trusts and duties as shall be committed to my charge as secretary to the commissioners in lunacy [or as clerk to the commissioners in lunacy, as the case may be]; and
- that I will keep secret all such matters as shall come to my knowledge in
- the execution of my office (except when required to divulge the same by

legal authority). So help me GOD.

XIV. And be it enacted, that it shall be lawful for the commissioners (if Places within and when they shall think fit) to grant a licence to any person to keep a house missioners for the reception of lunatics, or of any sex or class of lunatics, within the are to grant Places following; (that is to say,) the cities of London and Westminster, the county of Middlesex, the borough of Southwark, and the several parishes and to as their places herein-after mentioned; (that is to say,) Brixton, Battersea, Barnes, jurisdiction). Saint Mary Magdalen Bermondsey, Christ Church Clapham, Saint Giles Camberwell, Dulwich, Saint Paul Deptford, Gravenay, Kew Green, Kennington, Saint Mary Lambeth, Mortlake, Merton, Mitcham, Saint Mary Newington, Norwood, Putney, Peckham, Saint Mary Rotherhithe, Rochampton, Streatham, Stockwell, Tooting, Wimbledon, Wandsworth, and Walworth, in the county Surrey; Blackheath, Charlton, Deptford, Greenwich, Lewisham, Lee, Southend, and Woolwich, in the county of Kent; and East Ham, Layton, Laytonstone, Low Layton, Plaistow, West Ham, and Walthamstow, in the County of Essex; and also within every other place (if any) within the listance of seven miles from any part of the said cities of London or Westninster, or of the said borough of Southwark; all which cities, county, or the said borough.

Parishes, and places aforesaid shall be and are hereafter referred to as ne immediate jurisdiction of the commissioners.

licences (herein referred

be it enacted, that the commissioners or some five of them shall Commissioners to hold quarcet at the usual office or place of business which shall for the time being be terly and special me Usual office or place of business, or at such other place as the lord special meetings for graning lines for graning lin ay direct, on the first Wednesday in the months of February, ing licences. ay, July, and November in every year, in order to receive applications from

to hold quarings for grantpersons requiring houses to be licensed for the reception of lunation immediate jurisdiction of the commissioners, and (if they shall license the same; and in case on any such occasion five commissioners the meeting shall take place on the next succeeding and so on weekly until five commissioners shall be assembled; and missioners assembled at every such meeting shall have power to immeeting from time to time and to such place as they shall see finalways, nevertheless, that it shall be lawful for any five of the count any other time, at any meeting duly summoned under the provibehalf herein-after contained, to receive applications from persons requite to be licensed as aforesaid, and, if they shall think fit, to license to

Provision for summoning special meetings.

XVI. And be it enacted, that when and so often as any commi by writing under his hand require the secretary to convene a me commissioners for a purpose or purposes specified in such writing general despatch of business, such secretary is hereby required to meeting by summons to the other commissioners, or such of ther then in England and shall have an address known to the secretarthem, as far as circumstances will admit, not less than twennotice of the place, day, and hour where and on and at which su intended to be held, and also to state in the summons the purpose of such meeting, as specified by the commissioner requiring the se vened; and then and in every such case it shall be lawful for an commissioners to assemble themselves to consider and (if they to execute the purpose or purposes of such meeting: Provided = theless, that nothing shall be done at any such meeting, at w five commissioners shall be present, which by this Act is done by five commissioners: Provided also, that every such mefar as circumstances will admit, be held at the usual office or pl of the commissioners.

The justices of the peace in general or quarter sessions, in all parts of England other than the immediate jurisdiction of the commissioners, to license houses. for the reception of lunatics. and to appoint visitors. Oath to be taken by visitors.

Appointment of visiter in the place of one dying, being unable, disqualified, &c. XVII. And be it enacted, that in all places not being within jurisdiction of the commissioners the justices for the counassembled in general or quarter sessions shall have the same autheir respective counties or boroughs to license houses for the lunatics as the commissioners within their immediate jurisdict the said jusices shall, at the Michaelmas general or quarter sessions, appoint three or more justices, and also one physician, apothecary, or more, to act as visitors of every or any house or hos for the reception of lunatics within the said counties or boroughs and such visitors shall at their first meeting take the oath requarket to be taken by the commissioners, mutatis mutandis, such administered by a justice.

XVIII. And be it enacted, that in case at any time of the deadisqualification, resignation, or refusal to act of any person so visitor as aforesaid, it shall be lawful for the justices of the count at any general or quarter sessions, to appoint a visitor in the room son who shall die, or be unable or be disqualified, or resign, or refusaforesaid.

Lists of visitors to be published by the clerk of XIX. And be it enacted, that a list of the names, places of abpations, or professions of all visitors appointed as herein-before i

shall, within fourteen days from the date of their respective appointments, be the peace in a published by the clerk of the peace of the county or borough for which they shall be respectively appointed in some newspaper commonly circulated within the commisthe same county or borough, and shall, within three days from the date of their respective appointments, be sent by the clerk of the peace to the commissioners; and every clerk of the peace making default in either of the Penalty for respects aforesaid shall for every such default forfeit a sum not exceeding two pounds.

Every visitor, being a physician, sur-

XX. AND be it enacted, that every such visitor as aforesaid, being a physician, surgeon, or anothecary, shall be paid, out of the monies or funds herein-after mentioned, for every day during which he shall be employed in executing the duties of this Act, such sum as the justices of the county or borough shall in general or quarter sessions direct.

geon, or apothecary, to be remunerated. Clerk of the peace, or some other person,

XXI. And be it enacted, that the clerk of the peace, or some other person to be appointed by the justices for the county or borough in general or quarter sessions, shall act as clerk to the visitors so appointed as aforesaid, and such clerk shall summon the visitors to meet at such time and place, for the purpose of executing the duties of this Act, as the said justices in general or quarter sessions shall appoint; and every such appointment, summons, and meeting shall be made and held as privately as may be, and in such manner that no proprietor, superintendent, or person interested in or employed about or connected with any house to be visited shall have notice of such intended visitation; and such clerk to the visitors shall, at their first meeting, take the Oath to be oath required by this Act to be taken by the secretary of the commissioners, mutatis mutandis, such oath to be administered by one of the visitors, being a justice; and the name, place of abode, occupation, and profession of the clerk Name, &c. of to the visitors (whether the same shall be the clerk of the peace or any other person) shall within fourteen days after the appointment be published by the newspaper, clerk of the peace for the county or borough in some newspaper commonly circulated therein, and within three days from the date of the appointment be communicated by the said clerk of the peace to the commissioners; and every Penalty for clerk of the peace making default in either of the respects aforesaid shall for every such default forfeit a sum not exceeding two pounds; and every such Salary of clerk to the visitors shall be allowed such salary or remuneration for his services (to be paid out of the monies or funds herein-after mentioned) as the justices for the county or borough shall in general or quarter sessions direct.

to be appointed to be clerk to visitors. Meetings of visitors to be

privately.

published in commissioners.

i

XXII. AND be it enacted, that if the clerk of any visitors shall at any time Provision for desire to employ an assistant in the execution of the duties of his office, such clerk of visitors. clerk shall certify such desire and the name of such assistant to one of the visitors, being a justice; and if such visitor shall approve thereof he shall administer the following oath to such assistant:

A.B. do solemnly swear, that I will faithfully keep secret all such matters Oath of and things as shall come to my knowledge in consequence of my employ-' ment as assistant to the clerk of the visitors appointed for the county [or ' borough] of , by virtue of an Act of Parliament passed in the ' ninth year of the reign of her Majesty Queen Victoria, intituled [here insert ' the title of the Act], unless required to divulge the same by legal authority. So help me GOD.

And such clerk may thereafter, at his own cost, employ such assistant.

order

Persons interested in any licensed house not to act as commissioner, visitor, 8cc.

Physicians, &c. holding any such office not to sign certificates for admission, or visit patients, unless directed by persons sending patients to licensed houses, or by lord chancellor, &c.

Commissioners, &c. becoming interested in any house to be disqualified. Disqualified persons acting to be guilty of a misdemennor.

Physicians, &c. offending to forfeit 10% for each offence.

Fourteen days previous notice of intended application for licence, with name, &c. of person to be licensed, and of superintendent, if person to be licensed does not intend to reside, with plans of house and other particulars, to be given to the commissioners or clerk of the peace.

XXIII. And be it enacted, that no person shall be or act as a commis or visitor, or secretary, or clerk to the commissioners, or clerk clerk to any visitors, or act in granting any licence, who shall then be. within one year then next preceding have been, directly or indirect terested in any house licensed for the reception of lunatics, or such reception; and no physician or surgeon, (being a commissioner,) at physician, surgeon, or apothecary, (being a visitor,) shall sign any for the admission of any patient into any licensed house or hospital, or professionally attend upon any patient in any licensed house or hospital, he be directed to visit such patient by the person upon whose patient has been received into such licensed house or hospital, or by the chancellor, or her Majesty's principal secretary of state for the time being the home department, or by a committee appointed by the lord chancel and if any such commissioner, or visitor, or secretary or clerk to the be or become so interested in any house licensed for the reception of luna or the profits of such recention sioners, or clerk or assistant clerk to any visitors, shall after his or the profits of such reception, such commissioner, visitor, secretary, discovery assistant clerk, as the case man be all lives and the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case 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lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as the case man be all lives as or assistant clerk, as the case may be, shall immediately thereupon be disorfied from acting and shall accept the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of 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the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of fied from acting and shall cease to act in such capacity; and being disqualified as aforesaid, shall take the office of commissecretary, clerk, or assistant clerk, or, being a commissioner, visclerk, or assistant clerk, shall become disqualified as aforesaid, a wards continue to act in such capacity, such person shall misdemeanor; and if any physician or surgeon, (being a commiphysician, surgeon, or apothecary, (being a visitor,) shall sign for the admission of any patient into any licensed house or ho professionally attend any patient in any licensed house or hosp aforesaid,) such physician, surgeon, or apothecary (as the case n each offence against this provision forfeit the sum of ten pounds

XXIV. And be it enacted, that every person who shall dehouse licensed for the reception of lunatics shall give a notice, situate within the immediate jurisdiction of the commissioners. sioners, and if elsewhere to the clerk of the peace for the count which such house is situate, fourteen clear days at the least quarterly or other meeting of the commissioners, or to some ge = sessions for such county or borough, as the case may be; and contain the true christian and surname, place of abode, and oc person to whom the licence is desired to be granted, and : description of his estate or interest in such house; and in caswhom the licence is desired to be granted does not propose to the licensed house, the true christian and surname and occur superintendent who is to reside therein; and such notice, when house which shall not have been previously licensed, shall be accessing a plan of such house, to be drawn upon a scale of not less than an inch to a foot, with a description of the situation thereof, ar breadth, and height of, and a reference by a figure or letter to, ev apartment therein, and a statement of the quantity of land, not building, annexed to such house, and appropriated to the exercise, and recreation of the patients proposed to be receivealso a statement of the number of patients proposed to be received into such house, and whether the licence so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received into such house, and of the means by which the one sex may be kept distinct and apart from the other; and such notice, plan, and statement, when sent to the clerk of the peace, shall be laid by him before the justices of the county or borough at such time as they shall take into their consideration the application for such licence: Provided always, that Superintendent it shall be lawful for any person to whom a licence shall be granted to remove the superintendent named in the notice, and at any time or times to appoint snother apanother superintendent, upon giving a notice containing the true christian and pointed, on surname and occupation of the new superintendent to the commissioners or the visitors of the house, as the case may require:

moved, and

XXVI. And he it enacted, that no addition or alteration shall be made to, No addition in, or about any licensed house, or the appurtenances, unless previous notice in to be made writing of such proposed addition or alteration, accompanied with a plan of to licensed such addition or alteration, to be drawn upon the scale aforesaid, and to be notice to and accompanied by such description as aforesaid, shall have been given by the approval of Person to whom the licence shall have been granted to the commissioners or commissioners or visitors. to the clerk of the peace, as the case may be, and the consent in writing of the commissioners, or of two of the visitors, as the case may be, shall have been previous y given.

XXVI . And be it enacted, that if any person shall wilfully give an untrue Giving untrue or incorrect notice, plan, statement, or description of any of the things hereinbefore required to be included in any notice, plan, or statement, he shall be demeanor. guilty of a misdemeanor.

XXVIII. And he it enacted, that in every case in which a licence for the reception of lunatics shall after the passing of this Act be granted by any justices the clerk of the peace for the county or borough shall, within fourteen days after such licence shall have been granted, send a copy thereof to the commissioners; and any clerk of the peace omitting to send such copy within such time shall for every such omission forfeit a sum not exceeding two pounds.

A copy of every licence rranted by justices to be seut to the commissioners.

Penalty on clerk for default.

XXIX. AND be it enacted, that in every case in which any person shall apply for the renewal of a licence already granted or hereafter to be granted, such person, if applying to the commissioners, shall with such application a licence to transmit to the commissioners, and if applying to any justices shall with such application transmit to the clerk of the peace for the county or borough, and also at the same time to the commissioners, a statement, signed by the person so applying, containing the names and number of the patients of each or either sex then detained in such house, and distinguishing whether such patients respectively are private or pauper patients; and any person who shall hereafter obtain the renewal of a licence without making such return or returns shall for every such offence forfeit the sum of ten pounds; and any person who shall make any such return untruly shall be guilty of a misdemeanor.

Every person the renewal of furnish a statement of the number and class of patients then detained.

XXX. AND be it enacted, that every licence shall, as nearly as conveniently be, be according to the form in the schedule (A.) annexed to this Act, and with 10s. hall be stamped with a ten shilling stamp, and shall be under the seal of the stamp, &c.

Penalty for default, 10/. Making untrue return to be a misdemeanor. Licences to be in form in

and to be for not more than thirteen months.

No licence, &c. in any borough without consent of recorder.

Charge, in addition to stamp duty, for licences to be granted in pursuance of this Act.

Power to reduce the charge if licence be for less than thirteen months.

Receipt and application of monies for licences granted by justices.

Clerks of the peace to make out annual accounts, to be laid before the justices at Michaelmas sessions, of all receipts and payments made under this Act.

Balance to be paid to treasurer, in aid of borough or county rate.

Balance of payments over receipts may be paid out of the funds of the county or borough.

commissioners, if granted by them, and if by any justices under the asseals of three or more such justices in general or quarter sessions and shall be granted for such period, not exceeding thirteen calendar as the commissioners or justices, as the case may be, shall think fit.

XXXI. And be it enacted, that no licence shall be granted, clerk appointed, by the justices for any borough, without the consent of the recorder of such borough to such grant or appointment.

XXXII. And be it enacted, that for every licence to be hereafter there shall be paid to the secretary of the commissioners, or to the peace, according as the licence shall be granted by the compission justices, (exclusive of the sum to be paid for the stamp,) the shillings and no more for every patient not being a pauper, and two shillings and sixpence and no more for every patient being proposed to be received into such house, and if the total amount of the shillings and two shillings and sixpence shall not amount of the shillings and two shillings and sixpence shall not amount pounds, then so much more as shall make up the sum of fifteen no such licence shall be delivered until the sum payable for the paid: Provided always, that if the period for which a licence shall be less than thirteen calendar months it shall be lawful for the cor the justices, as the case may be, to reduce the payment to such licence to any sum not less than five pounds.

XXXVI. And be it enacted, that all monies to be received granted by any justices shall be applied by the clerk of the county or borough in or towards the payment of the salary or rethe clerk to the visitors for such county or borough, and in or remuneration of such of the same visitors as are herein-before remunerated, and in or towards the payment or discharge of all and expences incurred by or under the authority of the same visitors in the execution of or under or by virtue of this Act.

XXXVII. And be it enacted, that the clerk of the peace for or borough shall keep an account of all monies received and paraforesaid, and of all monies otherwise received or paid by him virtue of or in the execution of this Act; and such account shall be made up to the first day of August in each year, and shall two at least of the visitors for the county or borough; and every shall be laid by the clerk of the peace before the justices at the general or quarter sessions, who shall thereupon direct the bear remaining in the hands of the clerk of the peace to be paid into the treasurer for such county or borough, in aid and as part of borough rate.

XXXVIII. And be it enacted, that it shall be lawful for the just county or borough in general or quarter sessions assembled, if they fit, to order to be paid to the clerk of the peace of such county or loof the rates or funds thereof, such sum or sums of money as the examination deem to be necessary to pay and discharge so much of remuneration, costs, charges, and expences herein-before directed to out of the monies received by such clerk of the peace for licences and

wise as aforesaid as such monies shall be inadequate to pay; and also that it shall be lawful for the justices in general or quarter sessions assembled, if they shall think fit, from time to time to order to be advanced out of the rates or funds of such county or borough, to the clerk of the peace, such sum or sums of money as to such justices may appear requisite and reasonable, for or towards the payment or discharge of any such salary, remuneration, costs, charges, or expences as last aforesaid; and every such sum of money as aforesaid shall be paid and advanced out of the rates or funds of such county or borough by the treasurer thereof, and shall be allowed in his accounts, on the authority of the aforesaid order by the justices for the payment or advance thereof.

XXXIX. And be it enacted, that if any person to whom a licence shall have Provision been granted under this Act shall by sickness of licence in or other sufficient reason become incapable of keeping the licensed house, case of incapable of keeping the licensed house, case of incapable of the live of the l or shall die before the expiration of the licence, it shall be lawful for the death of commissioners, or for any three justices for the county or borough, as person licensed. the case may be, if they shall respectively think fit, by writing endorsed on such licence, under the seal of the commissioners or under the hands of such three justices, to transfer the said licence, with all the privileges and obligations annexed thereto, for the term then unexpired, to such person as shall at the time of such incapacity or death be the superintendent of such house, or have the care of the patients therein, or to such other person as the commissioners or such justices respectively shall approve, and in the meantime such licence shall remain in force and have the same effect as if granted to the superintendent of the house; and in case a licence has been or shall be granted Licence to two or more persons, and before the expiration thereof any or either of such two or more to persons shall die, leaving the other or others surviving, such licence shall remain in force remain in force and have the same effect as if granted to such survivors or survivors. survivor_

XL. AND be it enacted, that if any licensed house shall be pulled down or In case of a occupied under the provisions of any Act of Parliament, or shall by fire, being taken for tempest, or other accident be rendered unfit for the accommodation of lunatics, public puror if the person keeping such house shall desire to transfer the patients to accidentally another house, it shall be lawful for the commissioners, (if the new house shall rendered unfit, be within their immediate jurisdiction,) at any quarterly or other meeting, or keeper wishing for any two or more of the visiting justices for the county or borough within to transfer his Which the new house is situate, as the case may be, upon the payment to the new house, secretary of the commissioners or the clerk of the peace, as the case may be, of a licence to not less than one pound for the licence, (exclusive of the sum to be paid for the be given. stamp,) to grant to the person whose house has been so pulled down, occupied, or so rendered unfit, or who shall desire to transfer his patients as aforesaid, a licence to keep such other house for the reception of lunatics, for such time as the commissioners or the said justices, as the case may be, shall think fit: Provided always, that the same notice of such intended change of house, and Notices to be the same plans and statements and descriptions of and as to such intended new given in such house, shall be given as are required when application is first made for a licence for any house, and shall be accompanied by a statement in writing of the cause of such change of house; and that, except in cases in which the change of house is occasioned by fire or tempest, seven clear days previous notice of the

for benefit of

intended removal shall be sent, by the person to whom the licence the original house shall have been granted, to the person who sign for the reception of each patient, not being a pauper, or the perthe last payment on account of such patient shall have been marelieving officer or overseer of the union or parish to which each a pauper is chargeable, or the person by whom the last payment such patient shall have been made.

Power of revocation of licences granted by justices, on recommendation of justices.

XLI. AND be it enacted, that if a majority of the justices of borough in general or quarter sessions assembled shall recomme chancellor that any licence granted by the justices for such coun , shall be revoked, it shall be lawful chancellor to revoke the same by an instrument under his hand revocation to take effect at a period to be named in such in exceeding two calendar months from the time a copy or notice have been published in the London Gazette; and a copy or r instrument of revocation shall be published in the London shall before such publication be transmitted to the person t licence shall have been granted, or to the resident superint licensed house, or be left at the licensed house: Provided alway of any such revocation being recommended to the lord chancellor in writing shall, seven clear days previously to the transm recommendation to the lord chancellor, be given to the person of whose licence shall be recommended, or to the resident sup the licensed house, or shall be left at the licensed house.

Power of revocation and of prohibition of renewal of licences granted by the commissioners or by justices, on recommendation of commissioners.

XLII. AND be it enacted, that if the commissioners shall reco lord chancellor that any licence granted either by the commission justices, , shall be revoked or shall negatives. it shall be lawful for the lord chancellor, by an instrument under seal, to revoke or prohibit the renewal of such licence; and in revocation the same shall take effect at a period to be named ment, not exceeding two calendar months from the time a c thereof shall have been published in the London Gazette; as notice of such instrument of revocation shall be published i Gazette, and shall before such publication be transmitted to whom such licence shall have been granted, or to the resident s of the licensed house, or shall be left at the licensed house: Pro that in case of any such revocation or prohibition to renew being to the lord chancellor, notice thereof in writing shall, seven c viously to the transmission of such recommendation to the lord given to the person the revocation or prohibition of renewal of shall be recommended, or to the resident superintendent of the or shall be left at the licensed house.

Hospitals receiving lunatics to have their regulations printed and hung up, and sent to commissioners, and to have a resident

XLIII. And be it enacted, that the regulations as to lun hospital in which lunatics are or shall be received shall be pringlete copies thereof shall be sent to the commissioners, and also in the visitors room of such hospital; and that every such hosp a physician, surgeon, or apothecary resident therein, as the super medical attendant thereof; and such superintendent shall impute the passing of this Act (or immediately after the establishment of

as the case may be,) apply to the commissioners to have such hospital regis-medical attendtered, and thereupon such hospital shall be registered in a book to be kept for that purpose by the commissioners; and in case the superintendent of any such hospital shall at any time omit to have copies of such regulations sent or hung up as aforesaid, or to apply to have such hospital registered as aforesaid, he shall for every such omission forfeit a sum not exceeding twenty pounds.

XLIV. And be it enacted, that after the passing of this Act it shall not be lawful for any person to receive two or more lunatics into any house, unless be received such house shall be an asylum or an hospital registered under this Act, or a house for the time being duly licensed under this Act, and any person who shall receive two or more lunatics into any house other house licensed than a house for the time being duly licensed as aforesaid, or an asylum or an under this Act. hospital duly registered under this Act, shall be guilty of a misdemeanor.

XLV. And be it enacted, that no person (not a pauper), whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money shall be received or agreed to be received for board, lodging, or any other accommodation, shall be received into or detained in any licensed house, and no person (not a pauper) shall be received into or detained as a lunatic in any hospital, without an order under the hand of some person, according to the form and stating the particulars required in schedule (B.) annexed to this Act, nor without the medical certificates, according to the form in schedule (C.) annexed to this Act, of two physicians, surgeons, or apothecaries, who shall not be in partnership, and each of whom shall separately from the other and medica have person nally examined the person to whom it relates, not more than seven clear days certificates. previous 1 to the reception of such person into such house or hospital, and shall have signed are dated the same on the day on which such person shall have been so examined ERep., 16 & 17 Vict. c. 96. s. 3.7;

XLVII I. And be it enacted, that no pauper shall be received into or detained in any licensed house, or any hospital, without an order and statement, according to the form and stating the particulars required in schedule (D.) annexed to this Act, under the hands of One justice or an officiating clergyman, with the relieving officer or one of the overseers of the union or parish from which such pauper shall be sent, (which said lunatics withjustice, or which said clergyman and relieving officer or overseer, as the case may be,
out an order shall have personally examined such pauper previously to signing such order,) nor and medical without a medical certificate, according to the form in the said schedule (D.) annexed certificate. to this Act, and dated not more than seven clear days previously to the reception of a physicium, surgeon, or apothecary, (not being the medical officer of such parish or union,) on the day whereon he shall examine such pauper [Rep., 16 & 17 Vict. e. 96. s. 3.7;

L. AND be it enacted, that every proprietor or superintendent who shall Every person 1-eceive any patient into any licensed house or any hospital shall, within two Anys after the reception of such patient, make an entry with respect to such lunatic into any patient in a book to be kept for that purpose, to be called "The Book of house or hos Admissions," according to the form and containing the particulars required in an entry schedule (E) annexed to this Act, so far as he can ascertain the same, except thereof in book of adas to the form of the mental disorder, and except also as to the discharge or missions, death of the patient, which shall be made when the same shall happen; and schedule (E.) every person who shall so receive any such patient, and shall not within two Penalty for days thereafter make such entry as aforesaid, (except as aforesaid,) shall forfeit default. a sum not exceeding two pounds; and every person who shall knowingly and Making untrue willingly in any such entry untruly set forth any of the particulars shall be misdemeanor. guilty of a misdemeanor.

Penalty on superintendent

Two or more lunatics not to into any house, except an asy lum or hospital Persons offending to be guilty of a misdemeanor. No person (not a pauper) to be received into a licensed house or hospital for lunatics without an order and medical

No pauper to house or

pital to make

Form of disorder to be entered by medical attendant.

Penalty for default.

Every person receiving a patient into any house or hospital to transmit a notice thereof to the commissioners, and it within the jurisdiction of clerk of such visitors.

Persons neglecting to be guilty of a misdemeanor.

Notices to be given in case of the escape of any patient, and of his being brought back.

Penalty for neglect.

Entry to be made, and notice given, in form in schedule (A.), in case of the removal, discharge, or death of any patient.

LI. AND be it enacted, that the form of the mental disord patient received into any licensed house or any hospital shall days after his reception be entered in the said book of admis medical attendant of such house or hospital; and every such mediwho shall omit to make any such entry within the time afores every such offence forfeit a sum not exceeding two pounds.

LII. AND be it enacted, that the proprietor or resident super every licensed house, (whether licensed by the commissioners or tices,) and the superintendent of every hospital, shall, after two cl before the expiration of seven clear days from the day on which shall have been received into such house or hospital, transmit a order and medical certificates or certificate on which such person been received, and also a notice and statement, according to the any visitors, then also to the dule (F.) annexed to this Act [Rep., Stat. Law Rev. Act, 1875.], to sioners; and the proprietor or resident superintendent of every h within the jurisdiction of any visitors shall also within the transmit another copy of such order and certificates or certif duplicate of such notice and statement, to the clerk of the visitors proprietor or superintendent of any such house or hospital who to transmit such copy, notice, or statement to the commissione the same is required) to the clerk of the visitors, shall be gui

LIII. AND be it enacted, that whenever any patient shall esca licensed house, or any registered hospital, the proprietor or super such house or hospital shall, within two clear days next after transmit a written notice thereof to the commissioners, and if su within the jurisdiction of any visitors then also to the clerk of s and such notice shall state the christian and surname of the pati so escaped, and his then state of mind, and also the circumstance with such escape; and if such patient shall be brought back to su hospital such proprietor or resident superintendent shall, within days next after such person shall be so brought back, transmit a thereof to the commissioners, and also, if such house be within t of any visitors, to the clerk of such visitors; and such notice sh such person was so brought back, and the circumstances connec and whether with or without a fresh order and certificates or ce every proprietor or resident superintendent omitting to transm= whether of escape or of return, shall for every such omission for exceeding ten pounds.

LIV. AND be it enacted, that whenever any patient shall be discharged from any licensed house or any hospital, or shall disproprietor or superintendent of such house or hospital shall, wit days next after such removal, discharge, or death, make an entry book to be kept for that purpose, according to the form and stage ticulars in schedule (G. 1.) annexed to this Act, and shall also with two days transmit a written notice thereof, and also of the cause to the commissioners, and also, if such house shall be within the j any visitors, to the clerk of such visitors, according to the form an the particulars in schedule (G. 2.) annexed to this Act; and every

superintendent of any such house or hospital who shall neglect to make such entry or transmit such notice or notices, or shall therein set forth any thing untruly, shall be guilty of a misdemeanor.

LV. AND be it enacted, that in case of the death of any patient in any In case of licensed house or any hospital, a statement of the cause of the death of such patient, a statepatient, with the name of any person present at the death, shall be drawn up ment of the and signed by the medical attendant of such house or hospital, and a copy to be transthereof, duly certified by the proprietor or superintendent of such house or mitted to the hospital, shall by him be transmitted to the commissioners, and also to the &c. and, if Person signing the order for such patient's confinement, and to the registrar of within the jurisdiction deaths for the district, and if such house be within the jurisdiction of any of any visitors. visitors, then also to the clerk of such visitors, within forty-eight hours after of the visitors the death of such patient; and every medical attendant, proprietor, or super- also. intendent who shall neglect or omit to draw up, sign, certify, or transmit such Penalty for statement as aforesaid shall for every such neglect or omission forfeit and pay a sum not exceeding fifty pounds.

LVI. AND be it enacted, that if any superintendent, officer, nurse, attendant, Abuse, illservant, or other person employed in any licensed house or registered hospital wilful neglect shall in any way abuse or ill-treat any patient confined therein, or shall of a patient, to wilfully neglect any such patient, he shall be deemed guilty of a misdemeanor; demeanor. and that in the event of the release of any person from confinement in any Copies of asylum or private house who shall consider himself to have been unjustly ertificates, &c. to be confined, a copy of the certificates and order upon which he has been confined furnished on shall at his request be furnished to him or to his attorney by the clerk to the request to commissioners, without any fee or reward for the same; and it shall be lawful released. for the home secretary, on the report of the commissioners or visitors of any forunlawful asylums, to direct her Majesty's attorney general to prosecute on the part of confinement, the crown any person who shall have been concerned in the unlawful taking &c. or confinement of any of her Majesty's subjects as an insane patient, and likewise any person who shall have been concerned in the neglect or ill-treatment of any patient or person so confined.

LVII. AND be it enacted, that in every house licensed for one hundred Houses having patients or more there shall be a physician, surgeon, or apothecary, resident as have a resident the superintendent or medical attendant thereof; and that every house licensed medical attendfor less than one hundred and more than fifty patients (in case such house shall having less to not be kept by or have a resident physician, surgeon, or apothecary,) shall be be visited by visited daily by a physician, surgeon, or apothecary; and that every house attendant. licensed for less than fifty patients (in case such house shall not be kept by or have a resident physician, surgeon, or apothecary,) shall be visited twice in every week by a physician, surgeon, or apothecary: Provided always, that it shall be lawful for the visitors of any licensed house to direct that such house. and for the commissioners to direct that any licensed house, shall be visited by a physician, surgeon, or anothecary at any other time or times, not being oftener than once in every day.

LVIII. PROVIDED always, and be it enacted, that when any house is The commissioners and licensed to receive less than eleven lunatics it shall be lawful for any two of visitors, in the commissioners, or any two of the visitors of such house, if they shall refor less than 11 spectively so think fit, by any writing under their hands, to permit that such persons, may house shall be visited by a physician, surgeon, or apothecary at such intervals lessen the number of medical VOL. IX.

more distant than twice in every week as such commissioners appoint, but not at a greater interval than once in every two

A book to be kept, to be called "The Medical Visitation Book," in which a weekly entry is to be made, showing the condition of the house and of the patients.

LIX. And be it enacted, that every physician, surgeon, or apor any hospital, and where there shall be two or more physicia there shall be only one, keeping or residing in or visiting any apothecaries keeping or residing in or visiting any licensed hospital, then one at least of such physicians, surgeons, or apo once in every week, (or, in the case of any house at which distant intervals than once a week are permitted, on every vi sign in a book to be kept at such house or hospital for that called "The Medical Visitation Book," a report, showing the daalso the number, sex, and state of health of all the patients then or hospital, the christian and surname of every patient who sh under restraint, or in seclusion, or under medical treatment, sine the last preceding report, the condition of the house or hospi death, injury, and act of violence which shall have happened to patient since the then last preceding report, according to the form E annexed to this Act [Rep., Stat. Law Rev. Act, 1875.]; and every s surgeon, or apothecary who shall omit to enter or sign such repo shall for every such omission forfeit and pay the sum of twenty every such physician, surgeon, or apothecary who shall in any aforesaid enter any thing untruly shall be guilty of a misdemea

A medical case book to be kept.

LX. And be it enacted, that there shall be kept in every licer in every hospital a book, to be called "The Case Book," in which surgeon, or anothecary keeping or residing in or visiting such ho shall from time to time make entries of the mental state and b of each patient, together with a correct description of the medi remedies prescribed for the treatment of his disorder; and the lawful for the commissioners from time to time, by any order common seal, to direct the form in which such case book shall be physician, surgeon, or apothecary; and immediately after a copyshall have been transmitted by the secretary of the commission physician, surgeon, or apothecary, such physician, surgeon, or apthereupon keep such case book in the form which shall be dire order; and that it shall be lawful for the commissioners (whene see fit) to require, by an order in writing under their common physician, surgeon, or apothecary to transmit to the commissionercopy of the entries or entry in any case book kept under the provisi Act relative to the case of any lunatic who is or may have been co any such licensed house or hospital; and every such physician or apothecary who shall neglect to keep the said case book, or the same according to the form directed by the commissiones transmit a copy of the said entry or entries, pursuant to such order as aforesaid, shall for every such neglect forfeit any sum not exceed pounds.

All licensed houses and hospitals to be visited by the commissioners. LXI. And be it enacted, that every licensed house shall, withous previous notice, be visited by two at least of the commissioners (one of shall be a physician or surgeon, and the other a barrister,) four times at the in every year, if such house shall be within the immediate jurisdiction

commissioners, and if not, twice at least in every year; and every hospital in which lunatics shall be received shall, without any previous notice, be visited by two at least of the said commissioners (one of whom shall be a physician or surgeon, and the other a barrister,) once at least in every year; and every such visit shall be made on such day or days, and at such hours of the day, and for such length of time, as the visiting commissioners shall think fit, and also at such other times (if any) as the said commissioners in lunacy shall direct; and such visiting commissioners, when visiting such house or hospital, may and shall inspect every part of such house or hospital, and every outhouse, place, and building communicating with such house or hospital, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used, or occupied therewith, and see every patient then confined in such house or hospital, and inquire whether any Patient is under restraint, and why, and inspect the order and certificates or certificate for the reception of every patient who shall have been received into such house or hospital since the last visit of the commissioners, and in the case of any house licensed by justices shall consider the observations made in the visitors book for such house by the visitors appointed by the justices, and enter in the visitors book of such house or hospital a minute of the then condition of the house or hospital, and of the patients therein, and the number of patients under restraint, with the reasons thereof, as stated, and such irregularity (if any) as may exist in any such order or certificates as aforesaid, and also whether the previous suggestions (if any) of the visiting commissioners or visitors have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid or otherwise, and also, if such visit be the first after the granting a licence to the house, shall examine such licence, and, if the same be in conformity with the provisions of this Act, sign the same, but if it be informal enter in such visitors book in what respect such licence is informal: Provided also, that it shall be lawful for the lord chancellor, on a representation by the commissioners setting forth the expediency of such alteration, by any writing under his hand, to direct that any house licensed by justices shall (during such period as he shall therein specify, or until such his direction shall be revoked,) be visited by the commissioners once only in the year, and also to direct that any house licensed by the commissioners, and not receiving any pauper patients therein, shall (during such period as he shall therein specify, or until such his direction shall be revoked,) be visited by the commissioners twice only in the year.

LXII. AND be it enacted, that every licensed house within the jurisdiction Licensed of any visitors appointed by justices shall be visited by two at least of the houses not said visitors (one of whom shall be a physician, surgeon, or apothecary,) four mediate juristimes at the least in every year, on such days, and at such hours in the day, diction of the commissioners and for such length of time, as the said visitors shall think fit, and also at such to be inspected other times (if any) as the justices by whom such house shall have been licensed four times a shall direct; and such visitors when visiting any such house may and shall the visitors, inspect every part of such house, and every house, outhouse, place, and build- and particulars entered in ing communicating therewith, or detached therefrom, but not separated by visitors' book. ground belonging to any other person, and every part of the ground or appurtenances held, used, or occupied therewith, and see every patient then confined therein, and inquire whether any patient is under restraint, and why, and

inspect the order and certificates or certificate for the reception of who shall have been received into such house since the last visit of and enter in the visitors' book a minute of the then condition of the patients therein, and the number of patients under restra reasons thereof as stated, and such irregularity (if any) as may such order or certificates as aforesaid, and also whether the pre tions (if any) of the visitors or visiting commissioners have or l attended to, and any observations which they may deem proper the matters aforesaid or otherwise.

The proprietor or superintendent of hospital to show every part and every patient to the visiting commissioners and visitors.

LXIII. And be it enacted, that the proprietor or superinten licensed house or hospital shall show to the commissioners and v every house and tively visiting the same every part thereof respectively, and detained therein as a lunatic; and every proprietor or superint licensed house or any hospital who shall conceal or attempt to co refuse or wilfully neglect to show, any part of such house or h house, outhouse, place, or building communicating therewith therefrom, but not separated as aforesaid, or any part of the gro tenances held, used, or occupied therewith, or any person deta therein, from any visiting commissioners or visitors, or from authorized under any power or provision of this Act to visit an house or hospital, or the patients confined therein or any of guilty of a misdemeanor.

Inquiries to be made by the commissioners and visitors on their several visitations.

LXIV. And be it enacted, that the visiting commissioner respectively, upon their several visitations to every licensed hous hospital, shall inquire when divine service is performed, and to of the patients, and the effect thereof; and also what occupat ments are provided for the patients, and the result thereof; and has been adopted any system of non-coercion, and, if so, the and also as to the classification of patients; and also as to the c pauper patients (if any) when first received; and also as to the pauper patients (if any); and shall also make such other inqui visiting commissioners or visitors shall seem expedient; and e or superintendent of a licensed house or an hospital who shall and true answers, to the best of his knowledge, to all quest visiting commissioners and visitors respectively shall ask in

Proprietors, &c. not answering to be guilty of a misdemeanor.

> LXV. And be it enacted, that upon every visit of the visiting to any licensed house or to any hospital, and upon every visit to any licensed house, there shall be laid before such visiting co visitors, (as the case may be,) by the proprietor or superint licensed house or of such hospital, a list of all the patients ther or hospital, (distinguishing pauper patients from other patie from females, and specifying such as are deemed curable,) and books by this Act required to be kept by the proprietor or supe

> by the medical attendant of a licensed house or an hospital, and and certificates relating to patients admitted since the last v commissioners or visitors, (as the case may be,) and also, in licensed house, the licence then in force for such house, and als orders, certificates, documents, and papers relating to any of

matters aforesaid shall be guilty of a misdemeanor.

Books and documents to be produced to visiting commissioners and visitors.

any time received into such licensed house or hospital as the visiting commissioners or visitors shall from time to time require to be produced to them; and the said visiting commissioners or visitors, as the case may be, shall sign the said books as having been produced to them.

LXVI. And be it enacted, that there shall be hung up in some conspicuous A book to be part of every licensed house a copy of the plan given to the commissioners or "The Visitors' justices on applying for the licence for such house; and that there shall be Book," in kept in every licensed house and in every hospital in which lunatics shall be received a Queen's printer's copy of this Act, bound up in a book to be called tion and "The Visitors' Book," and that the said visiting commissioners and visitors shall be respectively shall at the time of their respective visitations enter therein the entered; result of the inspections and inquiries herein-before directed or authorized to be made by them respectively, with such observations (if any) as they shall think proper; and that there shall also be kept in every such house and and a book hospital a book to be called "The Patients' Book," and that the said visiting Patients' Book," commissioners and visitors respectively shall at the times of their respective for observations visitations enter therein such observations as they may think fit respecting patients. the state of mind or body of any patient in such house or hospital.

which the

result of inspec-

LXVII. AND be it enacted, that the proprietor or resident superintendent of Proprietor or every licensed house and of every hospital shall, within three days after every intendent to such visit by the visiting commissioners as aforesaid, transmit a true and perfect transmit copies copy of the entries made by them in "The Visitors' Book," "The Patients' "Book, and "The Medical Visitation Book" respectively (distinguishing the entries in the several books) to the commissioners, and shall, within three days the clerk of the after every such visitation by the visitors, transmit a true and perfect copy of visitors and to the entries made by them as aforesaid (distinguishing as aforesaid) to the sioners. commissioners, and also to the clerk of the visitors; and the copies so transmitted to the clerk of the visitors of all such entries relating to any licensed house, and made since the grant or last renewal of the licence thereof, shall be laid before the justices on taking into consideration the renewal of the licence to the house to which such entries shall relate; and every such proprietor or superintendent as aforesaid who shall omit to transmit, as herein-before directed. a true and perfect copy of every or any such entry as aforesaid shall for every such omission forfeit a sum not exceeding ten pounds.

of all entries by visitors and visiting com-

LXVIII. And be it enacted, that the commissioners visiting any house licensed by justices shall carefully consider and give special attention to the state of maind of any patient therein confined, as to the propriety of whose detention they shall doubt (or as to whose sanity their attention shall be specially called), and shall, if they shall think that the state of mind of such patient is doubtful, and that the propriety of his detention requires further consideration, make and sign a minute thereof in the patients' book of such house; and a true and perfect copy of every such minute shall, within two to the clerk of clear days after the same shall have been made, be sent by the proprietor or superintendent of such house to the clerk of the visitors of such house, and upon to visit such clerk shall forthwith communicate the same to the said visitors, or some two of them, (of whom a physician, surgeon, or apothecary shall be one,) and such visitors shall thereupon immediately visit such patient, and act as they shall see fit; and every such proprietor or superintendent who shall omit to send a true and perfect copy, as herein-before directed, of every or any such

Commissioners visiting a house licensed by justices to make an entry in the patients' book as to the state of mind of any doubtful patient, and the same to be sent the visitors, who are there. such patient.

last-mentioned minute, and every clerk who shall neglect to communic same to two of the visitors as aforesaid, shall be guilty of a misdemean

Visiting commissioners to report to commissioners on every house not within their immediate jurisdiction, and every

Power for the commissioners or any five of them to make rules for regulating their business.

hospital.

Power to visit by night.

Proviso.

The person who signed the order for the reception of a private patient may order his discharge or removal.

Provision for the discharge of a private patient when the person who signed the order for his reception is incapable or dead.

Order for removal or discharge of

LXIX. AND be it enacted, that the visiting commissioners shall, after visitation by them to every licensed house not being within their in jurisdiction, and to every hospital, report in writing the general result inspection thereof, (together with such special circumstances, if any, may deem proper to notice,) to the commissioners, and the secretary commissioners shall thereupon enter the same in a book to be kept f purpose.

LXX. And be it enacted, that it shall be lawful for the commission any five of them, at any quarterly or special meeting, by any resolutions under their community resolutions under their common seal, or to be entered in a book to be that purpose and signed by Common seal, or to be entered in a book to that purpose, and signed by five at least of the commissioners prmeeting, from time to time to make such orders and rules as the fit for regulating the duties of the commissioners or any of then secretary, clerks, and servants, or for the due or better perform business of the commission: Provided nevertheless, that the sec commissioners shall give to every commissioner, so far as circum admit, not less than seven days notice of every such special meetiin the summons for such special meeting state the purposes for wh is intended to be held.

LXXI. AND be it enacted, that it shall be lawful for any two the commissioners, or any two visitors, to visit and to inspect house or hospital at such hour of the night as they shall think nevertheless, that no such visitor shall make any such visitation except of a licensed house within their jurisdiction.

LXXII. AND be it enacted, that if and when any person w order on which any patient (not being a pauper) was received int house, or into any hospital, shall by writing under his hand dir patient shall be discharged or removed, then and in such case such forthwith be discharged or removed, as the person who signed the reception shall direct.

LXXIII. And be it enacted, that if the person who signed which any patient (not being a pauper) was received into any or into any hospital, be incapable, by reason of insanity or abse land, or otherwise, of giving an order for the discharge or repatient, or if such person be dead, then and in any of such case or wife of such patient, or if there be no such husband or wife such patient, or if there be no father, the mother of such patien no mother, then any one of the nearest of kin for the time patient, or the person who made the last payment on account may by any writing under his or her hand give such directi for the discharge or removal of such patient, and thereupon suc be forthwith discharged or removed, as the person giving such direct.

LXXIV. And be it enacted, that the guardians of any parish by a minute of their board, or an officiating clergyman of any pauper patients. a board of guardians, and one of the overseers thereof, or any the county or borough in which such last-mentioned parish is site writing under the hands respectively of such clergyman and overseer or of such justices, direct that any pauper patient belonging to such parish or union. and detained in any licensed house or any hospital, shall be discharged or removed therefrom, and may direct the mode of such discharge or removal; and if a copy of such minute or such writing be produced to the proprietor or superintendent of such licensed house or such hospital, he shall forthwith discharge or remove such patient, or cause or suffer such patient to be discharged or removed accordingly.

LXXV. Provided always, nevertheless, and be it enacted, that no patient No patient to shall be discharged or removed, under any of the powers herein-before contained, from any licensed house or any hospital, if the physician, surgeon, or the preceding apothecary by whom the same shall be kept, or who shall be the regular medical attendant thereof, shall by writing under his hand certify that in his Opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the commissioners visiting such house, or the visitors of such house, shall, after such certificate shall have been produced to them, give their consent in writing that such patient shall to some other licensed house be discharged or removed; provided that nothing herein contained shall or asylum, &c. prevent any patient from being transferred from any licensed house or any hospital to any other licensed house or any other hospital, or to any asylum, but in such case every such patient shall be placed under the control of an attendant belonging to the licensed house, hospital, or asylum to or from which he shall be about to be removed, for the purpose of such removal, and shall remain under such control until such time as such removal shall be duly effected.

powers, if certified to be dangerous, unless the commissioners or visitors consent, or for the purpose of transfer

LXXVI. And be it enacted, that it shall be lawful for any two or more of Commissioners the commissioners to make visits to any patient detained in any house licensed and discharge by the commissioners, on such days and at such hours as they shall think fit; any patient and if after two distinct and separate visits so made (seven days at least to house licensed intervene between such visits) it shall appear to such visiting commissioners by themselves. that such patient is detained without sufficient cause, it shall be lawful for the commissioners, if they shall think fit, to make such order as to the commissioners shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

LXXVII. AND be it enacted, that it shall be lawful for any two or more of Two commisthe commissioners, of whom one shall be a physician and one a barrister, to make special visits to any patient detained in any house licensed by the justices or in any hospital, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to in a house such visiting commissioners that such patient is detained without sufficient justices, or in cause, they may make such order as to them shall seem meet for the discharge a hospital. of such patient, and such patient shall be discharged accordingly.

sioners may make special visits to and discharge any patient confined licensed by

LXXVIII. And be it enacted, that it shall be lawful for any two or more Similar powers of the visitors of any licensed house, of whom one shall be a physician, sur- for two visitors geon, or apothecary, to make special visits to any patient detained in such confined house, on such days and at such hours as they shall think fit; and if after two within their distinct and separate visits so made it shall appear to such visitors that such jurisdiction. patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

as to patients

Restrictions to be observed on granting orders under the last preceding powers for discharge of patients confined in houses licensed by justices, or in hospitals.

The last preceding powers to be exercised under certain other restrictions.

Preceding powers not to extend to persons found lunatic by inquisition, or confined under order of home secretary or of criminal court.

Power for visitors and visiting commissioners to regulate the dietary of pauper patients.

Power for any visitor to give an order to the clerk of the visitors to search and give information LXXIX. Provided always, and be it enacted, that encommissioners or visitors for the discharge of a patient of by justices, or from any hospital, shall be signed by such special visits shall be by the same commissioners of shall not be lawful for such commissioners or visitors to any patient from any such last-mentioned house or his previously, if the medical attendant of such house tendered himself for that purpose, examined him as to the fitness of such patient to be discharged; and if a visitors shall, after so examining such medical attendant shall furnish them writing containing his reasons against the discharge of a forthwith transmit such statement to the commissioners visitors, as the case may require, to be kept and regist purpose.

LXXX. Provided also, and be it enacted, that not shall intervene between the first and second of such a such commissioners or visitors shall, seven days previous the special visits, give notice thereof, either by post patients' book, to the proprietor or superintendent of justices, or of the hospital, in which the patient interestance in the possible, transmit by post a copy of such notice, in the being a pauper to the person by whose authority such into such house, or by whom the last payment on account made, and in the case of a pauper to the guardians of if there be no such guardians to one of the overseers for parish, and also, in the case of any patient detained it justices, to the clerk of the visitors of such house.

LXXXI. Provided always, nevertheless, and be it er powers of discharge herein-before contained shall external shall have been found lunatic by inquisition or under at the lord chancellor, in pursuance of the powers in that be to him, nor to any lunatic confined under any order Majesty's principal secretary of state for the home decorder of any court of criminal jurisdiction.

LXXXII. AND be it enacted, that it shall be lawful licensed house at any time to determine and regulate the patients therein; and that it shall be lawful for the visany time to determine and regulate the dietary of tany licensed house or in any hospital; and that if su regulation of any visitors and of the visiting commiss with each other, then the determination and regulation missioners shall be followed:

LXXXIII. And be it enacted, that if any person shain order to be informed whether any particular person licensed house within the jurisdiction of such visitor, shall think it reasonable to permit such inquiry to lorder to the clerk of the visitors, and the said clerk shall be considered in the said clerk shall be clerked to the clerk of the visitors.

order, and on payment to him of a sum not exceeding seven shillings for his as to persons trouble, make search amongst the returns made to him in pursuance of this Act whether the person inquired after is or has been within the then last twelve calendar months confined in any licensed house within the jurisdiction of such visitor; and if it shall appear that such person is or has been so confined the said clerk shall deliver to the person so applying a statement in writing, specifying the situation of the house in which the person so inquired after appears to be or to have been confined, and of the name of the proprietor or resident superintendent thereof, and also the date of the admission of such person into such licensed house, and (in case of his having been removed or discharged) the date of his removal or discharge therefrom.

LXXXIV. AND be it enacted, that if any person shall apply to any commissioner in order to be informed whether any particular person is confined in any licensed house, or in any hospital, asylum, or other place by this Act made subject to the visitation of the commissioners, such commissioner, if he shall think it reasonable to permit such inquiry to be made, shall sign an order to the secretary of the commissioners, and the secretary shall, on the receipt of such order, and on payment to him of a sum not exceeding seven shillings, . . make search amongst the returns made in pursuance of this Act, or of any of the Acts hereby repealed, whether the person inquired after is or has been within the last twelve calendar months house or confined in any house, hospital, asylum, or place by this Act made subject to the visitation of the commissioners; and if it shall appear that such person is or has been so confined the secretary shall deliver to the person so applying a statement in writing, specifying the situation of the house, hospital, asylum, or place in which the person so inquired after appears to be or to have been confined, and also (so far as the said secretary can ascertain the same from any register or return in his possession) the name of the proprietor, superintendent, or principal officer of such house, hospital, asylum, or place, and also the date of the admission of such person into such licensed house, hospital, asylum, or other place, and (in case of his having been removed or discharged) the date of his removal or discharge therefrom.

LXXXV. AND be it enacted, that it shall be lawful for any one of the Any one commissioners, as to patients confined in any house, hospital, or other place or visitor may (not being a gaol) hereby authorized to be visited by the commissioners, and give an order also for any one of the visitors of any licensed house, as to patients confined in admission to such house, at any time to give an order in writing under the hand of such any patient of any patient of any patient of any patient of any friend or one commissioner or visitor for the admission to any patient of any relation or relation, or any friend of such patient, (or of any medical or other person whom any relation or by a friend or friend of such patient shall desire to be admitted to him,) and such order of admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either with or without any restriction as to such admission or admissions being in the presence of a keeper or not, or otherwise; and if the proprietor or super- Penalty for intendent of any such house, hospital, or place shall refuse admission to or shall prevent or obstruct the admission to any patient of any relation, friend, or other person who shall produce such order of admission as aforesaid, he shall for every such refusal, prevention, or obstruction forfeit a sum not exceeding twenty pounds.

confined in licensed houses within his jurisdiction.

Power for any commissioner to give an order to the secretary of the commissioners to search and give infor-mation whether any particular person is or has been within twelve months confined in any hospital.

admission.

Preprietor or superintendent, with consent of two commissioners or visitors, may take or send a patient to any place for his health. Proviso.

In case of the removal of a patient, or of his escape and recapture within fourteen days, the original order for his reception to remain in force.

Commissioners to report to the lord chancellor periodically.

Reports to be laid before Parliament.

Constitution of the private committee.

No person (except a person deriving no profit, or a committee,) to take charge of a single lunatic, except upon such order and medical cer-

LXXXVI. AND be it enacted, that it shall be superintendent of any licensed house or of any horiting of any two of the commissioners, or in the justices of any two of the visitors of such house, control, any patient to any specified place, for any of his health: Provided always, nevertheless, the aforesaid shall be given by any commissioners writing of the person who signed the order for or by whom the past payment on account of superioduced to such commissioners or visitors, unlesshown, dispense with the same.

LXXXVII. AND be it enacted, that in ever shall, under any of the powers or provisions of the from the house or hospital into which the order or be transferred from such house or hospital into every case in which any patient shall escape from shall be retaken within fourteen days next after certificates relating to and the original order for shall respectively remain in force, in the same maddone if such patient had not been so removed escaped and been retaken.

LXXXVIII. AND be it enacted, that the cor piration of every six calendar months, report to the of visits which they shall have made, the number have seen, and the number of miles which they such months, and shall on the first day of Januar to the lord chancellor of all sums received by th upon any other and what account, and shall al every year make to the lord chancellor a report the several houses, hospitals, asylums, and other this Act, and of the care of the patients therein. as they shall think deserving of notice; and showing the number of visits made, the number number of miles travelled, and also a copy of suc travelling expences, or on any other and what Parliament within twenty-one days next after session of Parliament.

LXXXIX. And be it enacted, that the permanent the commissioners, and two other of the commissioner chancellor from time to time as occasion may rephysician or surgeon, and the other a barrister,) shal "The Private Committee," for the purposes herein-at Vict. c. 96. s. 27.

XC. And be it enacted, that no person (unless no profit from the charge, or a committee appoint shall receive to board or lodge in any house, other under this Act, or an asylum, or a house licensed , or take the care or charge of, any alleged lunatic, without the like order and med such patient as are herein-before required on the

being a pauper) into a licensed house; and that every person (except a person tificates as deriving no profit from the charge, or a committee appointed by the lord under certain chancellor,) who shall receive to board or lodge in any unlicensed house, not obligations. being a registered hospital or an asylum, or take the care or charge of, any one patient as a lunatic or alleged lunatic, shall, within seven clear days after so receiving or taking such patient, transmit to the secretary of the commissioners a true and perfect copy of the order and medical certificates on which such patient has been so received, and a statement of the date of such reception, and of the situation of the house into which such patient has been received, and of the christian and surname and occupation of the occupier thereof, and of the person by whom the care and charge of such patient has been taken; and every such patient shall at least once in every two weeks be visited by a Physician, surgeon, or apothecary not deriving, and not having a partner, father, son, or brother who derives, any profit from the care or charge of such patient; and such physician, surgeon, or apothecary shall enter in a book, to be kept at the house or hospital for that purpose, to be called "The Medical "Visitation Book," the date of each of his visits, and a statement of the condition of the patient's health, both mental and bodily, and of the condition of the house in which such patient is, and such book shall be produced to the visiting commissioner on every visit, and shall be signed by him as having been so produced; and the person by whom the care or charge of such patient has been taken, or into whose house he has been received as aforesaid, shall transmit to the secretary of the commissioners the same notices and statements of the death, removal, escape, and re-capture of such lunatic, and within the same periods, as are herein-before required in the case of the death, removal, escape and re-capture of a patient (not being a pauper) received into a licensed house; and that every person who shall receive into an unlicensed house, not being a registered hospital nor an asylum, or take the care or charge of any person therein as a lunatic, without first having such order and medical certificates as aforesaid, or who, having received any such patient, shall not within the several periods aforesaid transmit to the secretary of the commissioners such copy, statement, and notices as aforesaid, or shall fail to cause such patient to be so visited by a medical attendant as aforesaid, and every such medical attendant who shall make an untrue entry in the said medical visitation book, shall be guilty of a misdemeanor.

with respect to lunatics received into

XCI. AND be it enacted, that the secretary to the commissioners shall Copy of the Preserve every copy transmitted as aforesaid of the order and certificates for the order and certificates, &c. of any patient as a lunatic into an unlicensed house, and every statement and notice which may be transmitted to such secretary with respect to any such patient as aforesaid, and shall enter the same (in such form as the Private Committee shall direct) in a book to be kept for that purpose, to be called "The Private Register," and such private register shall be kept by such private register the time his own custody, and shall be inspected only by the members for the time being of the said private committee, and by such other persons as the

lord chancellor shall by writing under his hand appoint. XCII. AND be it enacted, that it shall be lawful for any one member of the Members of members 42 Committee, on the direction of such committee, or of any two committee committee to the private committee to t members thereof, (of whom the one member aforesaid may be one,) at all visit unlicensed reasonable. reasonable times to visit every or any unlicensed house in which one patient

single patients are received, and to report.

The lord chancellor on such report, and the representation of the private committee, may order any patient to be removed from any unlicensed house.

Commissioners to inquire and report if property of lunatics be not duly protected or applied for their maintenance.

The lord chancellor may direct the master in lunacy to reort as to the lunacy of any person detained as a lunatic, and may appoint guardians of his person and estate, and direct the application of his income.

only is received as a lunatic, (unless such patient be deriving no profit from the charge, or by a committee chancellor,) and to inquire and report to the said profit treatment and state of health, both bodily and ment a copy of every or any such report shall be entered in kept for that purpose, by the secretary of the commiss thereof shall, if such private committee think it expelled chancellor.

XCIII. AND be it enacted, that it shall be lawful on the representation of the said private committee, of a report made as last aforesaid as to any patient of lunatic in an unlicensed house as aforesaid, to make a shall be removed from such house, and from the care such lunatic in such house, or in such care or charge days after a copy of such order shall have been left at such person, shall be guilty of a misdemeanor.

XCIV. AND be it enacted, that whenever the coreason to suppose that the property of any person do of as a lunatic is not duly protected, or that the incapplied for his maintenance, such commissioners shall think proper, and repetative thereto as they shall think proper, and repchancellor.

XCV. And be it enacted, that when any person sh taken charge of as a lunatic upon an order and cer certificate, in pursuance of the provisions of this Ac before repealed, and shall either have been detained as months then last past, or shall have been the subjec missioners in pursuance of the provision lastly herein be lawful for the lord chancellor to direct that one lunacy shall, and thereupon one of the said masters such person, and shall take such evidence and call for such master shall seem necessary to satisfy him w lunatic, and shall report thereon to the lord chancelle be filed with the secretary of lunatics; and it sha chancellor from time to time to make orders for the ap or otherwise for the protection, care, and manageme person who shall by any such report as last aforesaid and such guardian shall have the same powers and as of the person of a lunatic found such by inquisition ne orders for the appointment of a receiver, or otherwise and management of the estate of such lunatic, and such same powers and authorities as a receiver of the estat by inquisition now has, and also to make orders for income of such lunatic, or a sufficient part thereof, f support, and in payment of the costs, charges, and protection, care, and management of the person and es also as to the investment or other application for the of the overplus, if any, of such income, for the use of

lord chancellor shall from time to time in each case seem fit: Provided always, that such protection, care, and management shall continue only during such time as such lunatic shall continue to be detained as a lunatic upon an order and certificates or certificate as aforesaid, and for such further time, not exceeding six months, as the lord chancellor may fix: Provided also, that it shall be lawful for the lord chancellor in any such case, either before or after directing such inquiry by such master as aforesaid, and whether such master shall have made a report as aforesaid or not, to direct a commission in the nature of a writ de lunatico inquirendo to issue, to inquire of the lunacy of such person.

XCVI. AND be it enacted, that such masters shall have power, in the Masters in prosecution of all inquiries and matters which may be referred to them as all necessary aforesaid or otherwise under this Act, to summon persons before them, and to powers of inadminister oaths, and take evidence, either viva voce or on affidavit, and to require the production of books, papers, accounts, and documents; and that the referred to lord chancellor may by any order (either general or particular) refer to the said masters any inquiries under the provisions of this Act relating to the person and estate of any lunatic as to whom a report shall be made by a master as aforesaid, in like manner as inquiries relating to the persons and estates of lunatics found such by inquisition are now referred to them.

lunacy to have quiry, and to make inquiries

XCIX. AND be it enacted, that every proprietor and superintendent of Proprietors, a licensed house or registered hospital, and every other person hereby dents, and for by any of the Acts herein-before repealed authorized to receive or take other authorized person charge of a lunatic upon an order, and who shall receive for has received may, on proper a proper order, in pursuance of this Act, for any of the said repealed Acts, orders and accompanied with the required medical certificates or certificate, for the receive detain, reception or taking charge of any person as a lunatic, and the assistants and patients, as servants of such proprietor, superintendent, or other person, shall have power may plead the and authority to take charge of, receive, and detain such patient, until he shall die, or be removed or discharged by due authority, and in case of the bar of all escape at any time or times of such patient to retake him at any time within at law. fourteen days after such escape, and again to detain him as aforesaid; and in every writ, indictment, information, action, and other proceeding which shall be preferred or brought against any such proprietor, superintendent, or other Person authorized as aforesaid, or against any assistant or servant of any such proprietor, superintendent, or authorized person, for taking, confining, detaining, or retaking any person as a lunatic, the party complained of may plead such order and certificates or certificate in defence to any such writ, indictment, information, action, or other proceeding as aforesaid, and such order and certificates or certificate shall, as respects such party, be a justification cation for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

rized persons, certificates orders and ertificates in

C. AND be it enacted, that it shall be lawful for the commissioners, or any Commissioners two of them, and also for the visitors of any licensed house, or any two of such visitors, from time to time, as they shall see occasion, to require, by summons witnesses to under the under the commission, if by the commissioners, and if by

may summon give evidence.

Is The words inclosed in brackets, which were inadvertently repealed by the Stat. Law Rev. Act, inclosed in practice, which were the law revived. I 1875, are printed in anticipation of their being revived.

Penalty for non-attendance, &c.

Provision for payment of expences of witnesses.

Upon complaint made of any offence against this Act, justices to require the attendance of the person charged, and to adjudicate thereon.

Mitigation, recovery, and application of penalties. two only of the commissioners or by two visites seals of such two commissioners or two visiter to the form in schedule (I.) annexed to this A will permit,) any person to appear before the touching any matters respecting which such contively are by this Act authorized to inquire (or visitors are hereby empowered to administe not appear before such commissioners or visitor shall not assign some reasonable excuse for mand refuse to be sworn or examined, shall, on one of her Majesty's justices for the county or at which such person shall have been by such give evidence is situate, shall for every such not exceeding fifty pounds.

CI. AND be it enacted, that it shall be levisitors who shall summon any person to appear to direct the secretary of the commissioners or case may be, to pay to such person all reasons and attendance in pursuance of such summon expences incurred by such commissioners at execution of this Act, and to be taken into account of the summon of the summon expenses incurred by such commissioners at execution of this Act, and to be taken into account of the summon expenses incurred by such commissioners at execution of this Act, and to be taken into account of the summon any person to appear to direct the secretary of the commissioners or case may be, to pay to such person all reasons and attendance in pursuance of such summon any person to appear to direct the secretary of the commissioners or case may be, to pay to such person all reasons and attendance in pursuance of such summon any person to appear to direct the secretary of the commissioners or case may be, to pay to such person all reasons and attendance in pursuance of such summon any person to appear to such person all reasons and attendance in pursuance of such summon any person to appear to such person all reasons and attendance in pursuance of such summon any person to appear to such person all reasons and attendance in pursuance of such summon any person to appear to such person and attendance in pursuance of such summon any person to appear to such person and attendance in pursuance of such summon any person to appear to such person and attendance in pursuance of such summon any person to appear to appear to such person and attendance in pursuance of such summon any person to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear to appear t

CII. And be it enacted, that every compla offence against this Act, where any pecunia (except when hereby otherwise provided for,): and when any person shall be charged upon o offence against this Act, such justice may appear at a time and place to be named in suc appear accordingly, and upon proof of the due personally, or by leaving the same at his last of justices may either proceed to hear and determ warrant for apprehending such person, and justices; and any two justices shall and ma person pursuant to such summons, or upon with such warrant, or upon the non-appearance of every such complaint or information, and thereon as such justices shall think proper; an such justices may, if they shall think fit, reduce this Act imposed for such offence to any sum r amount thereof, and shall and may issue a war for levying such penalty or reduced penalty, as summons, warrant, and bearing, and all inciden and sale of the goods and chattels of the person lawful for any such two justices to order any pe and kept in the custody of any constable or otl be conveniently made to such warrant of distre give security, to the satisfaction of such just otherwise, for his appearance before such ju appointed for the return of such warrant of d than seven days from the time of taking any return of such warrant of distress it shall appear

be had whereupon to levy the said penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalty, costs, and charges may be levied, such justices shall and may, by warrant under their hands and seals, commit such offender to the common gaol or house of correction for any term not exceeding three calendar months, unless such penalty, and all such costs and charges as aforesaid, shall be sooner paid; and all such penalties, when recovered, shall be paid, when the complaint or information shall be laid or brought by or by the direction of the commissioners, to the secretary of the commissioners, and when the complaint or information shall be laid or brought by the direction of any visitors, to the clerk of the peace for the county or borough, to be by him applied and accounted for as herein-before directed with respect to monies received for licences granted by the justices of such county or borough; and the overplus (if any) arising from such distress and sale, after payment of the penalty and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained.

CIII. AND be it enacted, that the justices before whom any person shall be Form of conconvicted of any offence against this Act for which a pecuniary penalty is viction before justices. imposed may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and that no conviction under this Act shall be void through want of form:

E it remembered, that on the the year of our Lord , at in the county [or borough] of , A.B. was convicted before , of her Majesty's justices of the peace for the said county [or borough], for that he the said did we the said adjudge the said for his offence to pay the sum of

CIV. Provided always, and be it enacted, that any person who shall think Appeal to himself aggrieved by any order or determination of any justices under this Act sessions. may, within four calendar months after such order made or given, appeal to the justices at general or quarter sessions, the person appealing having first given at least fourteen clear days notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some justice, with two sufficient sureties, conditioned to try such appeal, and to abide the order and award of the said court thereupon; and the said justices at general or quarter sessions, upon the Proof of such notice and recognizance having been given and entered into, shall in a summary way hear and determine such appeal, or, if they think proper, adjourn the hearing thereof until the next general or quarter sessions, and, if they see cause, may mitigate any penalty to not less than one fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such order or determination, and shall and may also award such further satisfaction to be made to the party and prove such costs to either of the parties, as they shall judge reasonable and proper and all such determinations of the said justices at general or quarter sessions shall be final, binding, and conclusive upon all parties, to all intents and purposes whatsoever.

Limitation of actions, &c.

Double costs.

Offenders to be prosecuted, and penalties sued for by the secretary of the commissioners and the clerk of any visitors, and by no person without the authority of the commissioners or visitors, or consent of attorney general, &c.

No person to be punishable for omitting to send any copy, &c., if he prove that such copy, &c. was put in the post, or left at the proper office.

CV. And be it enacted, that if any action of person for any thing done in pursuance of this repealed, the same shall be commenced with after the release of the party bringing the ac in the county or borough where the cause of elsewhere; and the defendant in every such a plead specially or the general issue not guilty, matter in evidence at any trial to be had th done in pursuance and by the authority of appear to be so done, or that such action or su county or borough than as aforesaid, or shall r the time before limited for bringing the same, for the defendant; and upon a verdict being be nonsuited, or discontinue his action or su appeared, or if upon demurrer judgment sha then the defendant shall recover double costs, vering the same as any defendant hath or may

CVI. And be it enacted, that it shall be commissioners, on their order, to prosecute as the provisions of this Act, and to sue for an any person is made liable by this Act; a recovered by such secretary shall be paid to h and that it shall be lawful for the clerk o to prosecute any person for any offence Act committed within the jurisdiction of su recover any penalty to which any person v visitors is made liable by this Act; and a vered by any such clerk shall be paid to h clerk of the peace for such county or boroug peace applied and accounted for as herein-b monies received for licences by such clerk of lawful for any one to prosecute any person for sions of this Act, or to sue for any penalty to by this Act, except by order of the commission diction in the place where the cause of prosec been incurred, or with the consent of her Majes general for England for the time being.

CVIII. AND be it enacted, that when any perunder the provisions of this Act, for omitting list, notice, statement, or other document herein mitted or sent by such person, and such person of one witness upon oath that the copy, list, no respect of which such proceeding is taken was properly address or a clerk of the peace) left at the office of the office, and shall have been properly address all further proceeding in respect of such omission.

I The words inclosed in brackets, which were in Law Rev. Act, 1875, are printed in anticipation of t

CIX. And be it enacted, that the costs, charges, and expences incurred by or Costs incurred under the authority or order of the commissioners in proceedings under this Act by the commissioners to be shall be paid by the secretary of the commissioners, ; paid by their and that the costs, charges, and expences incurred by or under the order costs incurred of any visitors in proceedings under this Act shall be paid by the clerk of the by visitors by Peace of their county or borough, and included by him in the account of the clerk of the peace. receipts and payments herein-before directed to be kept by him.

CX. And be it enacted, that two or more of the commissioners, one at least Commissioners of whom shall be a physician or surgeon, and one at least a barrister, shall to visit asylums and and may, once or oftener in each year, on such day or days, and at such hours gaols. of the day, and for such length of time, as they shall think fit, visit every asylum for lunatics, and every gaol in which there shall be or alleged to be any lunatic, and shall inquire whether the provisions of the law have been carried out as to the construction of each asylum visited, and as to its visitation and management, and also as to the regularity of the admissions and discharges of patients therein and therefrom; and whether divine service is performed therein; and whether any system of coercion is in practice therein. and the result thereof; and as to the classification or nonclassification of patients therein, and the number of attendants on each class; and as to the occupations and amusements of the patients, and the effects thereof; and as to the condition, as well mental as bodily, of the pauper patients when first received; and

also as to the dietary of the pauper patients; and shall also make such other inquiries as to every or any such asylum, and all such inquiries as to the

lunatics in any gaol, as to such visiting commissioners shall seem meet.

CXII. And be it enacted, that it shall be lawful for the lord chancellor, in Provision for the case of any lunatic under the care of a committee appointed by the lord function of lunatics under chancellor, and for the lord chancellor or her Majesty's principal secretary of the care of state for the home department, in the case of any lunatic under the care of and also of any person receiving or taking the charge of such one lunatic only, and state and criminal deriving no profit from the charge, and in the case of any person confined as lunatics, and a state lunatic, or as a lunatic under the order of any criminal court of justice, not comprised and in the case of every other person detained or taken charge of as a lunatic, in the preor represented to be a lunatic, or to be under any restraint as a lunatic, at any visions, and time, by an order in writing under the hand of the lord chancellor or the said report to lord secretary of state, as the case may be, directed to the commissioners or any of chancellor or secretary of them, or to any other person, to require the persons or person to whom such state for the order shall be directed, or any of them, to visit and examine such lunatic or ment. supposed lunatic, and to make a report to the lord chancellor, or to her Majesty's principal secretary of state for the home department, of such matters as in such order shall be directed to be inquired into.

CXIII. AND be it enacted, that it shall be lawful for the lord chancellor Power for the or her Majesty's principal secretary of state for the home department to employ and secretary any commissioner appointed under this Act, or other person, to inspect or of state for the inquire into the state of any asylum, hospital, gaol, house, or place, wherein home department to any lunatic, or person represented to be lunatic, shall be confined or alleged to authorize a be confined, and to report to him the result of such inspection and inquiry; special visitaand every such person so employed, and not being a commissioner, may be place where a

lunatic is represented to be confined. Expences of such visitation.

or her Majesty's principal secretary of state for the seem reasonable; and every such person so employed, or not, shall be allowed his reasonable travelling or employed; and such sum of money for attendance expences, shall be charged on and shall be paid out of the home office.

paid such sum of money for his attendance and trouble

Interpretation clause.

CXIV. And be it enacted, that in this Act and the words and expressions following shall have the seassigned to them, unless there shall be something in repugnant to such construction; (that is to say,)

"Borough" shall mean every borough, town, and separate quarter sessions, recorder, and clerk of the

- "County" shall mean every county, riding, division a city, county of a town, liberty, and other commission of the peace, and not being a "borou aforesaid:
- "The lord chancellor" shall mean the lord high ch or commissioners of the great seal of Great Brita or persons for the time being intrusted, by virt manual, with the care and commitment of the cu estates of persons found idiot, lunatic, or of unso

"Barrister" shall mean a barrister and a serjeant a law who shall have been called to the bar five y appointment to be a commissioner shall be consid years standing:

"Lunatic" shall mean every insane person, and every or lunatic or of unsound mind:

"Parish" shall mean any parish, township, han parochial place, or place maintaining its own poor

"Officiating clergyman of a [or the] parish" s regularly officiating and acting as the minister of a parish, chapelry, or ecclesiastical district:

"Borough rate" shall mean a borough rate, and or raised in or belonging to any borough in the and applicable to the purposes to which borough

"County rate" shall mean a county rate, and any raised in or belonging to any county in the natu applicable to the purposes to which county rates

"Pauper" shall mean every person maintained, we expense of any parish, union, county, or borough

"Patient" shall mean every person received or taken care or charge of as a lunatic:

"Private patient" shall mean every patient who is

"Proprietor" shall mean every person to whom any under the provisions of any Act hereby repea under the provisions of this Act, and every p having any interest or exercising any duties or p any licensed house: "Clerk of the peace" shall mean every clerk of the peace and person acting

as such, and every deputy duly appointed:

"Medical attendant" shall mean every physician, surgeon, and apothecary, who shall keep any licensed house, or shall in his medical capacity attend any licensed house, or any asylum, hospital, or other place, where any lunatic shall be confined:

"Justice" shall mean a justice of the peace:

"Asylum" shall mean any lunatic asylum already erected and established under an Act passed in the forty-eighth year of the reign of his late Majesty King George the Third, intituled "An Act for the better care 48 Geo, 3. c. 96. " and maintenance of lunatics, being paupers or criminals, in England," or erected and established or hereafter to be erected and established under, or which have been made subject or liable to any of the provisions of, an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled "An Act to amend the laws for the erection 9 Geo. 4. c. 40. " and regulation of county lunatic asylums, and more effectually to pro-" wide for the care and maintenance of pauper and criminal lunation, in "England," or hereafter to be erected and established under the provisions of any Act for the erection or regulation of county or borough lunatic

asylums: " Hospital" shall mean any hospital or part of an hospital or other house or institution (not being an asylum) wherein lunatics are received, and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision, or benefit of other patients:

"Licensed house" shall mean a house licensed under the provisions of this Act, or of some Act hereby repealed, for the reception of lunatics:

"Oath" shall mean an oath, and every affirmation or other declaration or solemnity lawfully substituted for an "oath" in the case of Quakers or other persons exempted by law from the necessity of taking an oath:

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

CXV. And be it enacted, that for the purposes of this Act every borough Boroughs and and county shall include every place situate within the limits of such borough comprise all or county, and not having a separate commission of the peace; and for the places therein purposes of this Act every place situate within the limits of any borough or separate or county, and not having a separate commission of the peace, shall be within missions of the the jurisdiction of the justices of such borough or county; and that the justices of every borough shall, for the purposes of this Act, assemble in special sessions at such times as the quarter sessions for such borough shall be assemble in holden; and that all acts herein-before required to be done by the justices of for purposes of counties in general or quarter sessions assembled may be done by the justices this Act, at of boroughs at such special sessions.

CXVII. AND be it enacted, that this Act shall extend only to England and Act to ex-Wales.

times of holding quarter

tend only to England and Wales.

SCHEDULES referred to by the fore

SCHEDULE (A.). Section 30.

FORM of Licence.

Know all men, that we, the commissioners in lunac the undersigned justices of the peace, acting in and for general [or quarter or special] sessions assembled,] A.B. of , in the parish of of , hath delivered to us [or the and description of a house and premises proposed reception of lunatics, situate at , in the [or, in the case of a renewed licence, hath delivered peace] a list of the number of patients now detained licensed on the day of the reception of lunatics, situate at , in th and we, having considered and approved the same. empower the said A.B. (he intend reside therein) to use and employ the said house and male [or female, or female] lunatics, of whom not more than for the space of calendar months from t Sealed with our common seal [or given under or day of in the year o Witness,

Y.Z., secretary to the commissioners of lunacy, [or clerk of the peace.]

SCHEDULE (E.). Section 50.

REGISTRY OF ADMISSIONS.

REGISTER OF PATIENTS.

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	or By whose or oh authority h				,			,	
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SCHEDULE (F.). Section 52.[4]

NOTICE of Admission.

I HEREBY give you notice, that A.B. was received into a private [or pauper] patient on the and I hereby transmit a copy of the order and medical cer which he was received.

Subjoined is a statement with respect to the mental a above-named patient. (Signed)
Superintend

[or propriete

Dated this

day of

hundred and

STATEMENT.

I have this day seen and personally examined patient named in the above notice, and hereby certify t , and that v state he [or she] and condition he [or she]

(Signed)

Me

Dated this

day of

and

Is Schedule (F.) is rep., Stat. Law Re

SCHEDULE (G. 1.). Section 54.

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		Age at death.				15
	Assigned	de sus of	death.			Phthisis -
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REGISTER OF DISCHARGES AND DEATHS.		19	Fi			
		Not improved.	K.			
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-	Christian and surname at length.			William Johnson	William Johnson	William Johnson
	No. in	of netients.		-	*	-
	Date of	last		1846: Jan. 3	1848 ; June 9 -	1852: May 6 -
	Date of	or Or	i des	1846: Sept. 1 •	1848 : Dec. 2 -	1863; June 8 -

SCHEDULE (G. 2.). Section 5

FORM of Notice of Discharge or I

I HEREBY give you notice, that
patient, received into this house [or hospital] on the
was discharged therefrom recovered, [or relieved, of
authority of
day of

(Signed) Supe

p

Dated this day of dred and

In case of death, add "and I further certify, that death of the said ; and that the the said [ascertained by post now was ."

SCHEDULE (I.). Section

FORM of Summons.

WE, the commissioners in lunacy [or we whose seals affixed, being two of the commissioners in lunder or by virtue of an Act passed in the reign of her present Majesty, intituled [here inshereby summon and require you personally to appin the parish of ______, in the county of next the _______ day of ______, at the _______ noon of the same day, and then and testify the truth touching certain matters relative.

Sealed with the common seal of the comminunder our hands and seals], this year of our Lord one thousand eight hundred an

CHAPTER CV

An Act to amend the Law of Real Property.

said Act.

BE it enacted by the Queen's most excelled advice and consent of the lords spiritual at this present Parliament assembled, and by the follows; (that is to say,)

II. THAT after the said first day of October one thousand eight hundred Immediate and forty-five all corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery;

IIII.- THAT a feoffment made after the said first day of October one thousand eight hundred and forty-five, other than a feoffment made under a custom by an infant, shall be void at law, unless evidenced by deed; and that a partition and an exchange of any tenements or hereditaments, not being copyhold, and a lease, required by law to be in writing, of any tenements or (subject to hereditaments, and an assignment of a chattel interest, not being copyhold, in tions) to be by any tenements or hereditaments, and a surrender in writing of an interest in any tenements or hereditaments, not being a copyhold interest, and not being an interest which might by law have been created without writing, made after the said first day of October one thousand eight hundred and forty-five, shall also be void at law, unless made by deed: Provided always, that the said Proviso. enactment, so far as the same relates to a release or a surrender, shall not extend to Ireland.

IV. THAT a feoffment made after the said first day of October one thousand eight hundred and forty-five shall not have any tortious operation; and that wrong, nor exan exchange or a partition of any tenements or hereditaments, made by deed executed after the said first day of October one thousand eight hundred and imply any conforty-five, shall not imply any condition in law; and that the word "give" or the word "grant," in a deed executed after the same day, shall not imply and "grant" any covenant any covenant in law in respect of any tenements or hereditaments, except so except by force far as the word "give" or the word "grant" may by force of any Act of Parliament. Parliament imply a covenant.

V. THAT under an indenture executed after the first day of October one Strangers may thousand eight hundred and forty-five an immediate estate or interest in any diately under tenements or hereditaments, and the benefit of a condition or covenant respect- an indenture; ing any tenements or hereditaments, may be taken, although the taker thereof purporting be not named a party to the same indenture; also, that a deed executed after be an indenture the said first day of October one thousand eight hundred and forty-five, pureffect as such. porting to be an indenture, shall have the effect of an indenture, although not actually indented.

VI THAT after the first day of October one thousand eight hundred and forty-five a contingent, an executory, and a future interest, and a possibility coupled with an interest, in any tenements or hereditaments of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and Vested or contingent, into or upon any tenements or hereditaments in England, of any tenure, may be disposed of by deed; but that no such disposition shall by force only of this Act defeat or enlarge an estate tail; and that every such disposition by a married woman shall be made conformably Dispositions by to the provisions relative to dispositions by married women of an Act passed in the Provisions relative to dispositions by married women of an Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act for the abolition of fines and recoveries, and

freehold of corporeal tenements to lie in grant as well as in livery. partitions, ex-changes, leases, assignments, and surrenders certain excep-

Feoffments nct dition, or the words "give"

purporting to

Contingent and other like interests, and rights of entry, shall be alienable by deed, saving estates

to be conformable to 3 & 4 Will. 4. c. 74 or 4 & 5 Will. 4. c. 92.

Is Section 3, so far as the same refers to the relation of landlord and tenant in claud. Is so far as the same refers to feoffments partitions, and exchanges. Ireland, is 3, so far as the same relates to feoffments, partitions, and exchanges, 23 & 24 Vict. 23 & 24 Vict. C. 154, s. 104.]

Married women may disclaim estates or interests in lands in England by deed made conformably to 3 & 4 Will. 4. c. 74. Contingent remainders protected as from 31 Dec. 1844 against the premature failure of a preceding estate. When the reversion on a lease is gone the next estate to be deemed the reversion.

"for the substitution of more simple modes of assurant Act passed in the fourth and fifth years of the reign of intituled "An Act for the abolition of fines and a substitution of more simple modes of assurance, in I VII. That after the first day of October one thous

VII. THAT after the first day of October one thouse forty-five an estate or interest in any tenements or he of any tenure, may be disclaimed by a married we every such disclaimer shall be made conformably to the said Act for the abolition of fines and recoveries, and more simple modes of assurance.

VIII. THAT a contingent remainder existing at any day of December one thousand eight hundred and forested before the passing of this Act, shall be deem of taking effect, notwithstanding the determination or merger, of any preceding estate of freehold, in respects as if such determination had not happened.

IX. That when the reversion expectant on a leaster the passing of this Act, of any tenements or he shall after the said first day of October one thousand five be surrendered or merge, the estate which shall as against the tenant under the same lease the next tenements or hereditaments shall, to the extent preserving such incidents to and obligations on the the surrender or merger thereof would have subsisted expectant on the same lease.

X. THAT this Act shall not extend to Scotland.

Extent of Act.

CHAPTER CVII.

An Act for the Establishment of a Central Asylum with Offences in Ireland; and to amend the Act of Offences by Insane Persons, and the Acts Insane Poor, in Ireland; and for appropriate the City of Cork to the Purposes of a District

HEREAS it is expedient that one central a Dublin should be provided for the culunatics: Be it enacted by the Queen's most exthe advice and consent of the lords spiritual and this present Parliament assembled, and by the the commissioners of public works in Ireland trustees for the purpose of purchasing or providingly buildings, lands, tenements, or hereditament the said central asylum, and the site thereof, and therewith, and for erecting thereon suitable enlarging, improving, upholding, and furnishing to

II. And be it enacted, that for the purposes sioners of public works in Ireland for the time shall be a corporation, by the name or style of "

Commissioners of public works in Ireland to be trustees forproviding buildings and lands necessary for the establishment there of a central asylum for criminal lunatics. Commissioners of public works to be a corporation for

Works in Ireland," and by that name, for the purposes of this Act, shall have the purposes of this Act. perpetual succession and a common seal, to be by them made and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts, and before all justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

III. And be it enacted, that in order to enable the said commissioners of Power to compublic works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said central asylum to purchase or and the site thereof, it shall be lawful for the said commissioners, with the rent buildings, and the site thereof, it shall be lawful for the said commissioners, with the rent buildings, and the site thereof, it shall be lawful for the said commissioners, with the rent buildings, lands, &c., approval of the commissioners of her Majesty's Treasury, to contract and which may agree with any person or persons, or body or bodies corporate, for the purchase be required for or renting of any buildings, lands, tenements, or hereditaments required for asylum. such central asylum, or the site thereof, and the premises to be occupied therewith, and also for the purchase of any subsisting leases, terms, estates, or interests therein, or charges thereon; and the buildings, lands, tenements. or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for her Majesty, her heirs and successors, in such manner and form as the said commissioners of her Majesty's Treasury shall direct.

such central

IV. AND be it enacted, that in order to enable the said commissioners of Lands Clauses public works to purchase and provide the said buildings, lands, tenements, and Consolidation public works to purchase and provide one consolidation Act, 1845," shall be incorexcept as to hereditaments, the "Lands Clauses Consolidation Act, 1845," shall be incorexcept as to purchase of lands otherwise porated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement: Provided always, that all than by agreethings by the said Act required or authorized to be done by the promoters of ment, incorthe undertaking may be done by any two of the commissioners of public this Act. works in Ireland, subject to the approval of the commissioners of her Majesty's Treasury, in the cases provided by this Act.

V. AND be it enacted, that it shall be lawful for the said commissioners of Commissioners public works, if they shall be so directed by the commissioners of her Majesty's of public works to obtain sur-Treasury, to employ any competent surveyor or architect to make a survey veys, plans, and estimate of the said proposed work, and to prepare such plan, section, or and specification. specification thereof as may be necessary, and send the same to the commission submit same to sioners of her Majesty's Treasury, for their approval; and if the said commissioners of her Majesty's Treasury shall think fit to authorize the Treasury, work in any such plan, section, or specification, or any modification thereof works to be which they may think proper, to be undertaken, they shall, by warrant under their hands, direct the said commissioners of public works to execute such work, at and for an amount not exceeding a sum to be specified in such warrant; and the said commissioners of public works shall upon receipt of such warrant forthwith cause the construction of the work mentioned therein to be proceeded with.

cations, and

VI. And be it enacted, that the said commissioners of public works shall Commissioners cause accounts in writing of the several sums received by them as such com-In issioners for the purposes of this Act, and the sums expended by them for before the comsuch purposes, and the mode of such expenditure, to be made up to the thirty- missioners of the Treasury. first day of December in each year, or to such period as the commissioners of her Majesty's Treasury shall direct; and the said commissioners shall, as often

Commissioners to obey directions of Treasury.

Provisions of 1 & 2 Will. 4. c. 33. as to actions, &c. by and against the commissioners of public works, &c. shall apply to proceedings for things done under this Act. as they shall be required so to do by the commissioners of her Treasury, transmit to the said commissioners of the Treasury the said and it shall be lawful for the said commissioners of her Majesty's I give such directions as they shall think proper, defining the duties commissioners of public works in the execution of this Act; and the missioners of public works shall observe all such directions as afore shall from time to time be signified to them by the said commission Majesty's Treasury.

VII. And be it enacted, that the several enactments containe passed in the session of Parliament holden in the first and second reign of his late Majesty King William the Fourth, intituled "An " extension and promotion of public works in Ireland," which affect any action or suit to be commenced against the commissioners for t of the last-recited Act, or their secretary, or any person or persons, f done by virtue of or in pursuance of the last-recited Act, or in any in any such action or suit, or any limitation of time for the co thereof, or any costs thereof, or any evidence to be given therein, of action or suit, or satisfaction, or tender thereof, or any action commenced by the said commissioners, or any proceedings therei commissioners suing or being sued in the name of their secre abatement or discontinuance of any such action or suit, or to which, or to the terms or conditions on which, any such action or brought against the said commissioners, collectively or individu secretary, shall be held to apply to and extend to any action or s menced against the commissioners of public works in Ireland, or t or any person or persons, for any thing done by virtue of or in this Act, or to any proceedings in any such action or suit, or to of time for the commencing thereof, or to any costs thereof, or to any such action or suit, or to any evidence to be given therein, or or suit to be commenced by the said commissioners of public execution of this Act, or on account of or in pursuance of this proceedings in any such action or suit, or to the said commiss being sued in the name of their secretary for the time being, or ment or discontinuance of any such action or suit, or to the cou to the terms or conditions on which, any such action or suit sh against the said commissioners of public works, collectively or against their secretary.

1 & 2 Geo. 4. c. 38. s. 16. VIII. AND whereas by an Act passed in the session of Parlia the first and second years of the reign of his late Majesty K Fourth, intituled "An Act to make more effectual provision for ment of asylums for the lunatic poor, and for the custody of charged with offences, in Ireland," it is amongst other thing it should be lawful for the lord lieutenant or other chief governor. Ireland for the time being to give such order for the safe custody a nals found insane as in the said Act mentioned, during the pleasuch place and in such manner as should seem fit; and it is by provided and enacted, that whenever and as soon as there sho asylum built or maintained, either wholly or in part, in any contents.

Sect. 18.

a city, or county of a town, wherein such prisoner as therein mentioned should be tried or found insane as therein mentioned, then and from thenceforth such insane person should without delay be removed to such asylum as therein mentioned, and should be kept therein so long as such prisoner should be detained in custody: Be it enacted, that whenever and as soon as the said When central central asylum shall be erected, and fit for the reception of criminal lunatics, it been erected, shall be lawful for the lord lieutenant or other chief governor or governors of lord lieutenant Ireland to order and direct that all criminal lunatics then in custody in any removal of lunatic asylum or gaol, or who shall thereafter be in custody, shall be criminal removed without delay to such central asylum, and shall be kept therein so asylum. long as such criminal lunatics respectively shall be detained in custody.

lunatics to such

IX. AND be it enacted, that it shall and may be lawful for the lord lieu- Lord lieutenant tenant or other chief governor or governors of Ireland for the time being to officers and nominate and appoint such persons as he or they shall think fit and proper to servants of be governor, physician, surgeon, anothecary, matron, keepers, officers, and central asylum, servants of said central asylum; and also that it shall and may be lawful lieutenant and for the lord lieutenant or other chief governor or governors of Ireland, by and make rules and with the advice of her Majesty's privy council in Ireland, from time to time regulations for to make, frame, and establish any rules and regulations which may be neces- the government thereof. sary or proper for the good conduct and management of the said central asylum, and from time to time to revoke, alter, or make new such rules and regulations.

X. AND whereas by an Act passed in the first year of the reign of her 1 & 2 Vict. present Majesty, intituled "An Act to make more effectual provision for the " prevention of offences by insane persons in Ireland," it is amongst other things enacted, that if any person should be discovered and apprehended in Ireland under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, it should be lawful for any two justices of the peace of the county, county of a city, county of a town, city or town, and liberties, before whom such person might be brought, to call to their assistance any legally qualified physician, surgeon, or apothecary; and if upon view and examination of the said person so apprehended, or from other proof, the said justices should be satisfied that such person was a dangerous lunatic or a dangerous idiot, it should be lawful for the said justices, by warrant under their hands and seals. to commit such person to the gaol of such county, county of a town, city or town, and liberties, there to be kept in strict custody until or unless such person should be discharged in manner by the said Act provided: Be it Justices not to enacted, that it shall not be lawful for the said justices to commit such person commit danto gaol unless information on the oath of one or more credible witness or to gaol except witnesses shall have been made before the said justices, stating facts from upon inforwhich it shall appear that such person was discovered and apprehended under oath. circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, and that such person is a dangerous lunatic or a dangerous idiot; and such justices shall, if they shall so think fit, bind the person or persons swearing Justices may such information to appear at the next commission or assizes, or general or bind persons quarter sessions of the peace, whichever may first occur, which information information to shall be returned to the clerk of crown or peace; and the judges presiding at appear at next

assizes or quarter sessions, where the case may be inquired into.

1 & 2 Vict. c. 27. s. 2.

Lord lieutanant may discharge a person committed as a dangerous lunatic who is duly certified to him to have become of sound mind, or to have ceased ous lunatic. Lord lieutenant

may direct persons under sentence of imprisonment or transportation, who become insane, to be removed to central asylum.

Such persons, when certified to have become of sound mind, to be sent back to prison, or discharged, if entitled to discharge.

such commission, or the judge of assize, or assistan the case may be, shall, if they shall consider it no into the case, and report to the lord lieutenant or governors of Ireland for the time being whether such them to be a dangerous lunatic or dangerous idiot.

XI. And whereas by the said Act it is also amor that it should be lawful for the lord lieutenant of governors of Ireland for the time being, if he or the direct, by warrant under his or their hand or ha might be detained in custody in any gaol by virt aforesaid should be removed to the lunatic asylum e in part for the county, county of a city, or county person should be in custody; and every such person under confinement in every asylum to which such] until it should be duly certified to the said lord governor or governors, by two physicians or sur physician, that such person had become of sound lord lieutenant or other chief governor or governors issue his or their warrant to the keeper or other pers such asylum, directing that such person should be that whenever it shall be duly certified to the sai chief governor or governors, in manner aforesaid, become of sound mind, or has ceased to be or is no dangerous idiot, it shall and may be lawful for the other chief governor or governors, and he and they is to issue his or their warrant to the keeper or other to be a danger- any such asylum, directing that such person shall be

XII. And be it enacted, that whenever and as asylum shall be erected and fit for the reception of l for the said lord lieutenant or other chief governor of shall so think fit, to direct, by warrant under his or any person who may be under any sentence of impri in any gaol or place of confinement, or in any distri of whom it shall be certified by two physicians or s physician, that such person is or has become insanc said central asylum; and every such person so rem confinement in said asylum so long as such person continued in custody, or until it shall be duly certi tenant or other chief governor or governors, by two a surgeon and physician, that such person has become upon the said lord lieutenant or other chief govern authorized, if such person shall remain subject to b issue his or their warrant to the keeper or other pers such asylum, directing that such person shall be other place of confinement from which he or she sha such person shall be entitled to his or her discharge accordingly.

XIII. And whereas by the said Act passed in the session of Parliament 1 & 2 Geo. 4. holden in the first and second years of the reign of his late Majesty King c. 38. s. 2. George the Fourth it is amongst other things enacted, that at any time after the passing of the said Act it should and might be lawful for the lord lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of his Majesty's privy council in Ireland, to direct and order that any number of asylums for the lunatic poor in Ireland should be erected and established in and for such districts in Ireland as to the said lord lieutenant or other chief governor or governors and privy council should seem expedient; and that every such district should and might consist either of the whole of two or more counties, or of one or more county or counties and one or more county or counties of cities or towns, or of one county or county of a city or county of a town only, and no more, but should not in any case include part only of any county, county of a city or town; and that all lunatic poor within every such district respectively should be maintained and taken care of in the asylum belonging to such district; and that every such asylum established or to be established for any district consisting of more than one county, or one county of a city or county of a town, should be sufficient to contain such number of lunatic poor, not being less than one hundred nor more than one hundred and fifty in any one asylum, as should seem expedient to such lord lieutenant or other chief governor or governors and privy council; and that where any such district should consist of only one county or county of a city or county of a town, and no more, every such asylum should be sufficient to contain such number of lanatic poor, not being less than fifty, as should seem expedient to such lord lieutenant or other chief governor or governors and privy council: And whereas the said Act was amended by an Act passed in the seventh year of the reign of his said late Majesty, intituled "An Act for the further amend- 7 Geo. 4. c. 14. " ment of an Act of the first and second years of his present Majesty, for the " establishment of asylums for the lunatic poor in Ireland": And whereas several such asylums have been erected and established, and the said asylums are capable of affording accommodation for a larger number of lunatic poor than the number limited by the said two last-recited Acts as the number which it is lawful under the provisions of such Acts to maintain and take care of within any one lunatic asylum: And whereas by an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "An " Act to amend an Act passed in the eleventh year of the reign of his late 1 Will. 4.c. 13. " Majesty King George the Fourth, intituled 'An Act for appropriating the " 'Richmond Lunatic Asylum in Dublin for the purposes of a district lunatic " 'asylum,' " the said Richmond Lunatic Asylum was empowered to receive, maintain, and take care of within the said asylum any number of lunatic poor for the reception and accommodation of whom the said asylum should or might afford space or capacity: And whereas it is expedient to remove the limitation as to the number of lunatic poor which other district lunatic asylums now erected and established, or hereafter to be erected and established, may respectively seceive, maintain, and take care of, and to extend the provisions of the said last recited Act to the said other district lunatic asylums: Be it enacted, that from and after the passing of this Act any enactment or provision contained in the ing number of said recited Act of the session holden in the first and second years of his late be maintained Majesty King George the Fourth, or in any other Act or Acts, whereby the in district

Repeal of prolunatic poor to

District lunatic asylums may receive as many patients as they can accommodate, the care and maintenance of whom shall be provided for as heretofore.

Maximum number admissible to be fixed by lord lieutenant.

7 Geo. 4. c. 14. 8. 1.

may make orders in council for the enlargement of district lunatic asylums.

number of lunatic poor to be maintained and taken care of in a di asylum is in any manner limited or restricted, shall be and the sa ingly hereby repealed; and that, notwithstanding any thing in mentioned Act, or in any other Act or Acts, to the contrary, it be lawful to receive, maintain, and take care of, within every lunatic asylum, any number of lunatic poor whatsoever, for the accommodation of whom such asylum shall or may afford space and that the care, maintenance, superintendence, and expenditu be or become requisite for or in respect of all such lunatic defrayed, raised, and provided for in all respects as the care superintendence, and expenditure requisite for or in respect of number of lunatic poor as before the passing of this Act it was been lawful to maintain and take care of in such lunatic asy ought to have been defrayed, raised, and provided for: Provide that the maximum number of lunatics admissible into such tively shall first be fixed and determined from time to time by tenant or other chief governor or governors of Ireland.

XIV. And whereas by the said Act passed in the seventh ye of his late Majesty King George the Fourth it was among enacted, that it should and might be lawful for the lord lieu chief governor or governors of Ireland, by and with the advice his Majesty's privy council in Ireland, from time to time as whenever and so often as should seem expedient to him or th direct and order that any asylum or asylums for the lunatic should be erected and established in any place or in and for Ireland, in lieu of or in addition to any asylum or asylums en authority of the therein and herein-before recited Act of the years of King George the Fourth, and from time to time to al district or places in or for which any such asylum or asylums or shall be erected under the authority of the said recited Ac in recital: And whereas the said Act does not provide for tl extension of said district asylums: And whereas the pretion in district asylums for pauper lunaties is insufficient, an that further accommodation should be provided, so as to enab to be received into said asylums as soon as may be after they insanity, without which it is frequently found impossible to Lord lieutenant Be it enacted, that if it shall be deemed necessary, at any enlarge or extend the buildings of any district asylum for t Ireland, or the out-offices thereof, or to procure more ground be enjoyed therewith, then and in every such case it shall a to and for the lord lieutenant or other chief governor or goby and with the advice of her Majesty's privy council in Ire time, and whenever it shall seem expedient to him or them and order that such enlargement or extension shall be made ground as may be required shall be obtained, or, where it al or impracticable to erect or obtain additional buildings adj district asylum or asylums, then that additional buildings, or necessary to be enjoyed therewith, shall be erected, est purchased within the same district, and as near as conv

such asylums respectively; and such additional buildings and ground shall be held in connexion with and as part of the asylum for the district in which said additional buildings or ground shall be situate; and every order in council to be made for any such purposes shall be published in the Dublin Gazette.

XV. And be it enacted, that in order to provide for the more effectual Asylums or treatment of pauper lunatics by a better classification of the same, it shall builtings may and may be lawful for the lord lieutenant or other chief governor or governors be appropriated of Ireland, by and with the advice and consent of her Majesty's privy council sive reception in Ireland, from time to time and at all times, whenever and so often as shall of particular seem expedient to him or them so to do, to direct and order that any existing pauper lunatics, asylum or additional buildings which may be made to existing asylums under distinguishable the provisions of this Act shall and may be exclusively appropriated for the of the disease. sole and exclusive reception, custody, and treatment of a particular class of the said pauper lunatics, distinguishable by the nature and character of the disease, and whether recent in its origin or chronic, or whether considered curable or incurable, or to direct and order that a provincial asylum for the lunatic poor Provincial shall be erected, established, and maintained in and for any or each of the established and Provinces of Ireland, to be so appropriated to any particular class or classes of appropriated lunatic poor of such province as aforesaid, such provincial asylums to be in classes. addition to any district asylum or asylums erected or to be erected under said recited Acts or any of them, and from time to time to make rules and orders for the government and control thereof, and for the admission of lunatics thereto; and with the view to make room in any such district lunatic asylum Removal of appropriated for the treatment and reception of recent and curable cases for patients from patients deemed capable of cure, it shall and may be lawful for the lord another. lieutenant or other chief governor or governors of Ireland from time to time to cause to be removed from such district lunatic asylum, to such other asylum connected with such district, and appropriated specially for chronic cases or cases apprehended to be incurable, any lunatics who shall be certified by the committee of management, the manager, and by the medical officer, of such first-mentioned district asylum, as a proper patient to be removed to an asylum for chronic lunatics for such district, or connected therewith.

XVI. AND be it enacted, that all enactments contained in the said Acts of Provisions of the first and second years of the reign of his late Majesty King George the apply to this Fourth, and of the seventh year of the reign of his said late Majesty, and of Act; the eleventh year of the reign of his said late Majesty, and in any Act or Acts amending the same or any of them, shall and may from time to time and as occasion may require, so far as the same are applicable, and not repugnant to the provisions hereof, be extended, applied, used, exercised, and enforced, to and in respect of any asylums, buildings, or ground which may be erected, purchased, or rented under the provisions of this Act, save and except as to such but not to cencentral asylum first herein mentioned; and that the expence of erecting, establishing, and maintaining every district asylum for the lunatic poor in Ireland, and every asylum which under the provisions of this Act shall be so district asyexclusively appropriated for the reception of a particular class or description of pauper lunatics, together with the ground so rented or purchased, or the buildings so to be erected or obtained, adjoining to or in connexion therewith respectively, shall be raised in such manner as is directed by said Acts or any of them; and that every such asylum shall be subject to all such rules and

for the excluclasses of

Districts of provincial asylums.

regulations as are contained in the said recited Acts; and that the said and this Act shall be construed together as one Act; and in any c provincial asylum erected and established for any province as aforesa province, and the several counties, counties of cities, and counties of situate therein, shall be deemed and taken as a district attached asylum: Provided always, that the erection and establishment of provincial asylum shall not be deemed in any respect to prejudice with any district lunatic asylum situate therein, or any district attached to the same, or any provisions relating thereto.

7 Geo. 4 c. 14. 5. 2.

XVII. AND whereas by the said recited Act of the seventh >e Majesty King George the Fourth it is amongst other things en shall at any time happen that any money shall have been county, county of a city, or county of a town, or any part defraying the expences of erecting, establishing, maintaining, any lunatic asylum, and that by reason of any change of the in or for which such asylum shall have been established such of a city, or county of a town, or any part thereof, shall be taken of district liable to be assessed for such expences, then and in such case or sums of money which shall have been raised off such county, co city, or county of a town, or such part thereof as aforesaid, shall be any and every county, county of a city, or county of a town, or parts thereof, which shall remain within such district; and all and and sums which shall be so raised shall be repaid to the treas county, county of a city, or county of a town, which shall have from such district; and that whenever any county, county of a town, or any part or parts thereof, which shall have any former district, shall by reason of any such change a prised in or shall form part of any new district, such count or county of a town, or such part thereof, shall be and is he subject and liable towards the defraying the expences of a such new district, in like manner as is directed by the same either of them, and as if such county, county of a city, or c such part thereof, had been originally comprised in or formdistrict: And whereas it is expedient that in case of any district as aforesaid no sum of money should be repaid to the such county, county of a city, or county of a town, which sl from such district, save and except for defraying the expenestablishing such lunatic asylum, but not for the expence supporting the same: Be it enacted, that when any change any district asylum shall be made as aforesaid no sum of m formaintenance the expences of maintaining or supporting any such distri same shall have been erected and established) shall from of this Act be raised off any county, county of a city, or any part thereof, which shall remain (or be) within such to the treasurer of the county, county of a city, or coun shall have been removed from such district, or be raised of of a city, or county of a town, or part thereof, which shall I

in any former district, and shall by reason of any such cha

On change of district of any asylum, no sum of asylum to be raised off counties, &c. comprised in new district, or repaid to county, &c. taken out of district.

or form part of any new district for any such asylum, any thing in the said recited enactment to the contrary notwithstanding.

XIX. AND be it enacted, that from and after the first day of September Cork Lunatic next the Cork Lunatic Asylum shall and may be and become a district lunatic Asylum shall become a disasylum for the county of Cork and the county of the city of Cork, and for trict lunatic such other county or counties, if any, as from time to time may, under the sounty and the provisions of the said Act of the first and second years of his late Majesty King city of Cork, George the Fourth, or any Act amending same, be constituted, together with the said county of Cork and county of the city of Cork, a district for a lunatic if any, as shall asylum; and that all rules, orders, regulations, rights, powers, authorities, thereto. privileges, liabilities, provisoes, and enactments, contained in the said Act of the first and second years of King George the Fourth, and of any Act or Acts amending same, and of this Act, shall and may from time to time, as occasion may require, be extended, applied, used, exercised, and enforced, to and in respect of the district so constituted, in like manner to all intents and purposes as in the case of any district lunatic asylum created or established by or subject to the provisions of the said recited Act, or any Act amending same, or this Act.

XX. AND be it enacted, that from and after the said day it shall and may Grand juries be lawful for the grand juries of the county of the city of Cork and of the of Cork, &c. county of Cork, and of each other county, if any, which may or shall from time to time constitute part of or be included in the district belonging to the said asylum, and such grand juries are hereby respectively required, to present, to be raised off the said city and each such county respectively, any sum or sums of money requisite to pay the expences of the said asylum, as well those of any building, alteration, or reparation thereof, or of the purchase of any ground or property for the purposes thereof, as those of the maintenance, clothing, and other charges of the patients therein, in like manner, with the in manner prosame authorities, and under the same regulations and restrictions, as are provided in and by the said Act of the first and second years of his late Majesty's reign with respect to any district lunatic asylum, or any Act or Acts amending same, or in and by an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to 6 & 7 will. 4. " the presentment of public money by grand juries in Ireland."

shall make presentments

vided by recited Acts and

c. 116.

XXI. AND be it enacted, that from and after the said first day of September Asylum to be the said asylum, and the ground and soil where the same stands, and the vested in comseveral materials and appurtenances, shall be and become vested in such appointed under commissioners as have been or shall, pursuant to the provisions of the said 1 & 2 Geo. 4. recited Act of the first and second years of his Majesty, be nominated and appointed for the district to which the said asylum shall belong, or any three of them, and to their heirs and successors, in trust for and to the uses and purposes of the said asylum as such district lunatic asylum.

XXII. AND be it enacted, that it shall and may be lawful for the lord Lord lieutenant lieutenant or other chief governor or governors of Ireland for the time being, may make by and with the advice of her Majesty's privy council in Ireland, to make and lations for the found such rules and regulations for the holding of lectures by the medical holding or lectures by

ants of central, provincial, and district asylums.

Lord lieutenant to appoint inspectors of lunatics, in whom shall be vested the functions of the inspectors general of prisons in respect of asylums.

Inspectors to visit asylums and inquire into the management thereof.

Registry of admissions, and of discharges and deaths, and medicaljournal, to be kept, in forms in schedule.

Interpretation of terms.

medical attend- attendant or attendants of the said central asylum, or asylums, or any of them, as to the said lord lieutena or governors of Ireland, with the advice of said pri

> XXIII. WHEREAS it is expedient that more adequ the inspection of all lunatic asylums under this and Acts: Now be it enacted, that the lord lieutenant of governors of Ireland shall be and he or they are he shall so think fit, to appoint one or two duly qualified to act as inspectors of lunatics in Ireland; and o functions of the inspectors general of prisons in Irelan the inspection of lunatic asylums or other establishm transferred to such inspectors of lunatics so to be a and such inspectors of lunatics shall thereon under duties in respect to lunatic asylums which heretofore and performed by the inspector general of prisons, und previous Act, and under this Act.

> XXIV. AND be it enacted, that one of the said i oftener in each year, on such day or days and at such l such length of time as they shall think fit, visit every house for the reception of the same, and every gaol, uni of industry, in which there shall be or alleged to be any la whether the provisions of the law have been carried ou such establishments respectively, and also as to the regu and discharges of patients therein and therefrom, and w performed therein, and whether any system of coercion and the result thereof, and as to the classification patients therein, and the number of attendants on e occupations and amusement of the patients and the the condition as well mental as bodily of the patients also as to the dietary of the patients, and shall also m as to every or any such asylum, and all such inquiri aforesaid, as to such inspectors shall seem meet.

XXV. AND be it enacted, that from and after the f ensuing the passing of this Act there shall be kept in the Iunatic poor which is or may be hereafter establiof admissions, a registry of discharges and deaths, the forms set forth in the schedule to this Act anne adopted and used hereafter in the place of the form in use in such asylums respectively.

XXVI. AND be it enacted, that the term "cri shall be construed to mean any person acquitted on found to have been insane, under the provisions of session of Parliament holden in the first and secon late Majesty King George the Fourth; and the ter strued to mean any insane person.

Extent of Act

XXVII. AND be it enacted, that this Act shall ex Name of Association for Street, and a street of the

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SCHEDULE No. 1.

I				
	•	H	Dec. 4, 1844	No. in order of admission.
_	8 7 6	Cr 15 C0	6 1	
	Жау 6 Жау 6	1948 : June 9	1846 : Jan. 8	Date of admission.
• In th	William Johnson	William Johnson	William Johnson	Christian and surname at length.
<u> </u>	н	м	ш	Bex.
ğ	<u> </u>	1		•
20	8	8		Age.
91 -	H	1		Married. Single. Widowed.
700	1	H		Single. Widowed
**	<u> </u>	<u> </u>	<u> </u>	
8 both pri	•	•	Carpenter	Condition of life, and previous occupation.
rate s	•		1	Previous place of abode.
nd p		•		
d us	<u> </u>	•	•	County, union, or parish to which belonging.
pr pa	•	•	•	By whose authority sent.
tient	•	•	1	Dates of medical certificates, and by whom signed.
				by whom signed.
In the case of an asylum receiving both private and pauper patients, a separate register in the above form to be kept i			Melancholis	Form of mental disorder.
ister		•		Supposed cause of
F	•		<u> </u>	Supposed cause of insanity.
be a	•	•		Bodily condition, and name of disease, if any.
0046	1	1	1	Epileptics.
form	1	1	ı	Congenital idiots.
\$	~	7	<u>'</u>	Years. 2
e ke	1	1	•	Months. Weeks.
pt to	1	ı	1	Weeks.
8	•	ço	16	Number of pre- vious attacks.
for each class.	ı	1	15	Age on first attack.
3	1885 : June 8	1946 : Dec. 2	1846 : Sept. 1	Date of discharge or death.
	-	H	ш	
	ı	l .	1	Recovered. Relieved. Not improved.
		ı	t	Not improved.
			1	Died.
	1	1	1	Observations.

REGISTRY OF ADMISSIONS.

REGISTER of Patients.*

SCHEDULE No. 2.

REGISTER of Discharges and Deaths.

Date of discharge or death.	Date of of admission.	No. in register of patients.	Christian and surname at length.	Sex.		Discharged.				
						Recovered.		Relieved.		Not
				M.	F.	M.	F.	M.	P.	M.
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	1		1				
1848 : Dec. 2 -	1848: June 9 -	4	William Johnson	1	10	1				
1853 : June 8 -	1852: May 6 -	7	William Johnson	1	-	1	-	-	-	-

In the case of an asylum receiving both private and pauper patients, a separate register for each class.

SCHEDULE No. 3.

Form of Medical Journal.*

Date.	-	nber of ents.	Names of patients and by what under seclusion, and	Names of patien medical treatr		
	M.	F.	Males.	Females.	Males.	
				1	-	
	1		- 1			
	1 1					-
		20	- 1			

^{*} In the case of an asylum receiving both pauper and private patients, a separate journal for each class.

CHAPTER CVIII.

AN ACT for the further Amendment of an Act of present Majesty, for regulating the Irish Fisheries.

WHEREAS an Act was passed in the session of I fifth and sixth years of the reign of her present the Irish fisheries. And when the Irish fisheries.

passed in the session of Parliament holden in the sev

5 & 6 Vict. c. 106.

the reign of her present Majesty, intituled "An Act to amend an Act of the 7 & 8 Vict. " sixth year of her present Majesty, intituled 'An Act to regulate the Irish c. 108. " 'fisheries,' and to empower the constabulary force to enforce certain provisions " respecting the Irish fisheries": And whereas it is expedient, for the better regulation and improvement of the said fisheries, to give further power and additional means for the purpose of more effectually carrying out the provisions of the said Acts, and to amend the said recited Acts in the several particulars herein-after mentioned: Be it therefore enacted by the Queen's most excellent Treasury may Majesty, by and with the advice and consent of the lords spiritual and temporal, and appoint an additional comcommons, in this present Parliament assembled, and by the authority of the same, missioner of that it shall and may be lawful to and for the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by warrant under the hands of Ireland. any three or more of them, if they shall so think fit, to appoint one person to be a commissioner of fisheries, to be associated with the commissioners of public works in Ireland for the time being, and with them be a commissioner for the execution of the said recited Acts and this Act during pleasure, and to remove such commissioner, and to appoint another in the stead of the person so removed or dying or resigning [Rep., 9 & 10 Vict. c. 86. s. 3.]; . .

fisheries in

II. AND be it enacted, that if any person shall after the twentieth day of The use of August one thousand eight hundred and forty-five fish with or use any stake and note to be weir, stake net, bag net, fixed net, or any contrivance for placing or erecting subject to the any net or engines, which under the provisions of the said first-recited Act are as the erection prohibited to be placed or erected in any part of any estuary or the mouth or thereof. tidal part of any river where the breadth of the channel at low water of spring tides is less than three quarters of a mile statute measure, or which are prohibited to be placed or erected within the space of one statute mile seaward, coastwards, or inwards from or on either side of the mouth or entrance of any river into the sea, the inland portion of which river is frequented by salmon, and the breadth of which mouth, as now or hereafter to be defined by the said commissioners, is less than half a mile statute measure at low water of spring tides, any person so offending shall be subject and liable to such and the same Penalty and penalties as by said first-mentioned Act the person or persons erecting or placing such weirs, nets, or contrivance for placing or erecting nets, are subject and liable to; and upon proof that any such weir, net, or contrivance has been so used or fished it shall be lawful for the justices at petty sessions, or other the persons having jurisdiction to enforce the provisions of the said recited Acts or this Act, to direct the same to be forfeited and removed, and the materials thereof to be disposed of and dealt with in such and the same manner as by said first-recited Act is provided and directed in cases of the seizure of illegal nets, or legal nets when used contrary to law.

III. AND whereas, notwithstanding the provisions of the said first-recited Act with regard to the erection and use of stake weirs, stake nets, bag nets. fixed nets, and contrivances for fixing or placing nets, the same or some parts thereof are in many instances erected and used in places prohibited by the said recited Act by parties who have no title so to do; and it is expedient, for the protection of public rights, and to prevent disputes, that the said commissioners should have power to suspend the use of such weirs, nets, and contrivances, and remove the same, in all cases where it shall appear to them that the same or any part thereof are illegally erected, placed, orused; and that the said commissioners should for such purposes have and use the same

Commissioners may suspend the use of and remove illegal weirs and nets in places prohibited. powers and authorities with respect to such weirs any part thereof, as they are now authorized under to use and exercise in cases of weirs or nets and o manner as in their judgment to be injurious and Be it therefore enacted, that it shall be lawful f upon and after complaint being made to them in v making the same, and setting forth the circumsta stake weir, stake net, bag net, fixed net, or contriva is or shall be so erected or used contrary to the Acts or this Act, to summon before them the par to attend at some place near or convenient to the net, or contrivance may be so erected and used; shall accordingly, at the time and place mention upon proof of the personal service of such summ summons having been left at or on board the ve known residence, of the party or parties comple such pertinent evidence as may be adduced before the party making such complaint, as well as the of; and if after hearing all such evidence the said fit and right, it shall and may be lawful to and i make an order or decision in writing under their that such stake weir, stake net, bag net, fixed ne thereof, is a nuisance, and shall be abated and missioners are hereby empowered, by warrant un authorize any person to abate and remove any su net, fixed net, or contrivance, or any part thereo or parties appearing to the said commissioners same; and, subject to the appeal herein-after pr to and for the said commissioners to order and d such weir, net, or contrivance, or any part there the produce arising from such sale applied in su first-mentioned Act provided in cases of illegal n used, for fishing: Provided always, that nothing to any case where the party who erected or use bag net, fixed net, or contrivance acted under a that he had a right to do the act complained o the said commissioners, give security, in such m exceeding one hundred pounds as the said conditioned to appeal to the judges of assize v manner and subject to such regulations as are of appeals against any order or decision of the aforesaid, and upon such appeal to establish or he had a right or title to erect or use such we part thereof, at the time or in the place where erected or used; and it shall be lawful for such and decide such matter as aforesaid, as if the order or decision made by the said commissi nuisance of such weir, net, or contrivance, or a to certify under their or his hands or hand their

Foregoing provisions not to apply where party complained of gives security to appeal to judge of assize as to right to erect and use weirs, &c.

Determination of appeal.

party had or had not established or proved before them or him such right or title as aforesaid.

IV. PROVIDED always, and be it enacted, that if any person shall think Appeal to himself aggrieved by any such order or decision of the said commissioners such assize against person may appeal to the next going judges of assize at the assizes to be held order of comfor the county, county of the city or town, in which or on the shore or boundary of which any such weir, net, or contrivance shall have been so erected or used, provided such assizes shall be held at any time not less than thirty-one days after the time the said commissioners shall have made any such order or decision; and in case such assizes shall be held within thirty-one days from the time of such order or decision, such appeal shall be made to the assizes to be held in and for such county, county of a city or town, next after such first assizes; and that no such appeal shall be allowed, received, heard, or determined, unless the party appealing shall, within twenty-one days from the date of such order or decision of the said commissioners, give notice in writing to the said commissioners of his intention to try such appeal; and it shall be lawful to and for the said judges of assize or one of them to try the subject matter of the said appeal, and decide whether the party appealing had a right to erect or use such weir, net, or contrivance, or any part thereof, at the time or in the place where the same may have been so erected or used: Provided al ways, that in case of such appeal being made, and notice given as Custody of aforesaid, the materials of such weir, net, or contrivance, or any part thereof, as the case may be shall be deposited in the custody of such officer or men of the coast guard or constabulary, or with such other party or person as the said commissioners may direct or appoint for the purpose, there to remain and be kept until the matter of such appeal shall be decided as aforesaid, or until the time for prosecuting the same shall have expired, and if such decision shall be in favour of the appellant such materials shall thereupon be returned to such appellant.

V. AND whereas under the provisions of the said first-recited Act the right to use stake weirs, stake nets, bag nets, and other fixed nets in the sea and tide-ways along the coast of Ireland is defined and declared, and certain persons are therein mentioned and specified as the persons entitled to exercise such right as aforesaid: Be it therefore enacted, that if any person or persons, No persons other than the persons entitled to exercise such right as aforesaid under the other than provisions of the said first-recited Act, shall erect, use, or fish with any stake under 5 & 6 weir, stake net, bag net, fixed net, or contrivance for placing or erecting nets, shall use nets, on any parts of the coast of Ireland, or in the sea or tide-ways adjoining the &c. on the same, he or they shall for each offence forfeit and pay a sum not exceeding coast of Ireland. ten pounds, and such weir, net, or contrivance shall also be forfeited, and Penalty. ordered by the magistrate before whom such person or persons may be convicted to be removed, at the expence of the offender, and the materials thereof disposed of in like manner as by said first-recited Act is directed in cases of

VI. AND be it enacted, that if, after any such order or decision of the said Persons recommissioners as is in this Act herein-before authorized to be made, unless and using weirs, antil the same shall be reversed on appeal, any person shall again erect or use &c. decided to any such stake weir, stake net, bag net, fixed net, or contrivance, or any part be subject thereof, as aforesaid, in or adjoining or contiguous to any place where it may to a penalty for

illegal nets used, or legal nets used illegally, for fishing.

each day the same may remain.

Commissioners may order weirs to be removed.

Application to presentment sessions for compensation for malicious injury to legal fishing weirs, under provisions of 6 & 7 Will. 4. c. 116.

Grand jury to adjudicate.

Traverse, &c.

In case of injury done on the verge of two or more counties, application may be made to any one county, awarded may be have been ordered and decided by the said commis net, or contrivance, or any part thereof, should be contrary to the provisions of the said first-recited A re-erect, or use any such weir, net, or contrivance conviction under the said Act of any person for ere using or fishing with, any such weir, net, or contr in the same place, or in, adjoining, or contiguou person shall, in addition to the penalties in and l prescribed, forfeit and pay a sum not exceeding to such weir, net, or contrivance, or any part thereof erected or used; and it shall be lawful to and for warrant under their hands and seals, from time such weir, net, or contrivance, or any part there erected or used, to abate and remove the same.

VII. And be it enacted, that in all cases of male or destroying any weir, net, or other contrivance, taking fish, any person injured by any such offe for compensation for any loss or damage sustained notices, lodging the like application, and taking li the nature of the case will admit,) as in and by a Parliament holden in the sixth and seventh ye Majesty King William the Fourth, intituled "An. " the laws relating to the presentment of publ " Ireland," are respectively required in cases of for malicious injuries under the said last-mention make application at presentment sessions as in a as to cases of malicious injuries; and such applic and dealt with at such presentment sessions in directed with regard to applications for compense shall and may be lawful for the grand jury of th county of a town, in or on the shores or boundary such injury shall have been sustained, and such g either to disallow such application altogether, or money as the person or persons so injured ough damage, to be levied off such county, or such bare or sub-denomination thereof, as the grand jury a that such application and presentment shall be traverse and all other proceedings, and be subjectively provisions, as by the said Act of the sixth and se the Fourth any application or presentment for injuries is subject and liable to under the said A and provisions were herein repeated.

VIII. And be it enacted, that in case such ma be committed on the verge or within the distance of any two or more counties, the person or p injury may apply for compensation in the man either or any one of such neighbouring countie and the amount taken thereupon as herein-before provided, and sixth and seventh years of King William the

any sum or sums of money shall be presented by the grand jury of the county apportioned by where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying the counties as aforesaid, the judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and to direct the proportion of the same which shall be paid by such counties respectively, and shall certify the same accordingly, and such presentment shall thereupon be diminished, or presentment made, according to the proportion which the said judge shall direct to be paid by such county; and the grand jury or grand juries of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such judge declaring the proportion to be paid by such county or counties, to present such proportion to be raised in the manner mentioned in the said Act of the sixth and seventh years of King William the Fourth, and paid to the person so applying: Provided always, that no such presentment as aforesaid shall be considered as conferring or confirming any title in or upon the party making such application as aforesaid.

liable.

IX. AND be it enacted, that in all cases where the said commissioners, under Commissioners, the provisions of the said first-recited Act, have heretofore defined or may on defining distances from hereafter define the mouth or entrance into the sea of any river, it shall and mouths of may be lawful for the said commissioners, in addition to such definition and define also the determination as aforesaid, to define and determine the points of termination distances within of the respective distances prescribed by the said first-recited Act, and to which weirs, illustrate and show by a map or plan, or otherwise as they may consider best, hibited. the said points of termination, and the space or spaces within which it is by the provisions of the said first-recited Act prohibited to erect or use certain fishing weirs, nets, or engines, or to use or practise certain modes of fishing.

X. And whereas it is found expedient to give additional powers to enforce the strict observance of the weekly and other close times and seasons in and by the said first-recited Act required to be observed and kept: Be it Additional therefore enacted, that it shall and may be lawful for all officers and men of forcing obserthe navy or coast guard service, and of the constabulary, and for any person vance of the appointed by or acting under the authority of the said commissioners, when other close and as often as they or any of them shall, in any fishing weir, net, or con-times. trivance, during the weekly or other close time or season, (as fixed under the provisions of the said first-recited Act,) find any passage shut, closed, or obstructed, or during such close time in any place find any net or other contrivance placed or used where the same are now by law or may hereafter be prohibited by the said commissioners, in pursuance of the powers in them vested, or shall at any time find any obstruction in the Queen's share or free gap through or over any fishing or other weir, or in the sluice passages appurtenant to any mill or factory at any time when the sluice gate of same shall be open, then and so often to open such passages and remove all such obstructions, doing no unnecessary damage, and to seize and remove all nets or parts of nets which may be found so as aforesaid placed or used contrary to the provisions of the said first-recited Act or this Act: Provided always, that nothing herein contained or done in pursuance of the same shall exempt any person from the penalties and forfeitures in and by the said first-recited Act

prescribed in respect to any of the matters aforesaid none of the parties or persons hereby authorized to remove such nets or obstructions shall be liable for a opening of such passages, or removal of such nets or same shall be unnecessarily, wantonly, or maliciously

XI. AND whereas it has been found that the size of made of wood, iron, or other rigid materials,) for the to in the sea and tideways, and the size of the meshes of inland and fresh-water portions of rivers, as fixed first-recited Act, is too large, and permits the esce valuable fish, as well as diminishes the value of much taken: Be it therefore enacted, that so much of th fixes or prescribes the size of the meshes of any sucl and is hereby repealed, and that from and after the save as herein-after provided, for the taking of sa estuaries, or tideways, or for the taking of any fish water portions of rivers and lakes, shall be used wi one and threequarter inches from knot to knot, to of the square, or seven inches, to be measured all r measurements being taken in the clear, when the r person shall use any net contrary to this proviliable and subject to the penalties and forfeitur mentioned and prescribed in cases of any person less size than the size in the said Act prescribed an

XII. Provided always, and be it enacted, that for the said commissioners, by any bye law to be a provisions of said first-recited Act, and for such the to alter, in and for any particular district or locality the nets as herein prescribed, and to permit the size in the said district or locality as the said commis all parties using nets with meshes of a less size than such as shall be so permitted and prescribed shall be subject and liable to like penalties and recited Act mentioned and prescribed in cases of meshes of a less size than the size prescribed by s

XIII. AND be it enacted, that the appointmen the provisions of the said first-recited Act or th stamp duty of five shillings, and to no higher of Act or Acts to the contrary notwithstanding.

XIV. AND be it enacted, that it shall and magnissioners, from time to time, by any bye law provisions of said first-recited Act, (subject to sure by the said first-recited Act they are empowered any bye law,) to prohibit the use, at any time device for the capture of fish which, upon inquiry shall deem to be injurious to the fisheries.

XV. And be it enacted, that it shall and may missioners (any thing in the said first-recited a standing) to make and ordain, in the manner and

Size of the meshes of the nets for taking salmon or trout in the sea, or any fish in inland and freshwater portions of rivers and lakes.

Commissioners may alter the size of meshes in certain localities.

Stamp duty in the appointment of water bailiff.

Power to prohibit the use of engines for capture of fish which shall be deemed injurious to fisheries.

Commissioners may permit the use of trammel or other nets

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said first-recited Act mentioned, any bye law authorizing the use between during the daysunrise and sunset of any trammel or other net on any part of the coasts of Ireland, or the islands lying off the same, where such trammel or other nets may, in the opinion of the said commissioners, be used during the daytime without injury to the fisheries.

XVI. And be it enacted and declared, that nothing in the said first-recited Act shall be construed to protect, as an exclusive right or private property, any oyster bed or oyster fishery lying below the level of the lowest water of tide not to be spring tides, or to subject any person to be deemed guilty of or to be indicted for larceny for taking oysters from any such oyster bed or fishery, unless such oyster bed or fishery shall be legally possessed and enjoyed by some person by virtue of charter, grant, patent, or Act of Parliament, in and by which such oyster bed or fishery is specially granted, and the limits thereof accurately described, or unless the same has been held and enjoyed by prescription as an exclusive right and private property, within limits clearly defined.

Oyster beds below lowest rater of spring deemed private property, un-less held by charter or prescription.

[XVII-: And whereas the cultivation and improvement of the oyster fisheries may be greatly promoted by the formation and protection of artificial oyster beds or layings of oysters on the shore, above the level of the lowest water of spring tides, and for this purpose it is expedient to permit the formation and cultivation of such oyster beds, and to provide for the protection of the same in such and the same manner as by the said first-recited Act is provided for the making and protection of bait beds: Be it therefore enacted, that it shall and may be lawful for the owner or occupier of any land bordersea, or any estuary, with the permission in writing of the said commissioners, or for any person or persons, with the consent of such owner or occupier, and with the permission in writing of the said commissioners, to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high and lowest water mark of spring tides, and it shall be lawful for the several persons forming or planting any such oyster bed or laying to hold the same as private property, and to exercise an exclusive control over the same, and such oyster beds shall be entitled to the like protection as by said Act is provided in case of any other oyster beds or layings being the exclusive property of any person: Provided always, that the forming and planting of such oyster beds as aforesaid shall not give any exclusive right or title to the occupancy of the said shore, except for the purpose aforesaid, or to the appropriation of any public banks or beds at present resorted to for oysters, but that the rights herein-before granted and conferred are to be considered as exclusively applying to places where no such public oyster beds at present exist; saving to the Queen's most excellent Majesty, and all the subjects of this realm, the free and full exercise and enjoyment of all other rights of fishing or other rights whatsoever in or along the said shore, subject to the provisions herein and in said recited Acts or any of them contained.

make private ovster beds. between high and lowest water mark of spring tides, in places where no public oyster beds at present

XIX. AND be it enacted, that for the purpose of replenishing and supplying Power to such artificial oyster beds or layings, or other beds and layings the exclusive oysters from property of any person or persons, but for no other purpose whatsoever, it shall public beds to

[[] So much of this Act, and of any Act amending or extending the same, as relates to the granting of licences to form oyster beds or layers, rep., 29 & 30 Vict. c. 97. s. 1.7

Supply private beds, during part of close time. and may be lawful for any person to dredge for and take oyst natural public bed lying below the level of the lowest water of during such part only of the close season, as now fixed or hereaft under the provisions of said first-recited Act, as the said comm upon inquiry think fit to appoint for such purpose, for or in a place: Provided always, that if any oysters dredged or taken du of the close season shall be brought to shore, or sold or offered found in the possession of any person on land, or be used for any than the replenishing or supplying any such artificial or other be every person so offending shall forfeit all such oysters, and liable to the same penalties and forfeitures as by said first-scribed in cases of offences against the provisions of the said for the observance of the close season in respect to oysters.

Commissioners to make bye laws for regulation of oyster fisheries.

XX. And be it enacted, that it shall and may be lawful for missioners from time to time to make and ordain, in the manne under the powers and regulations in the said first-recited Act 1 bye laws, rules, and regulations as to them the said commission expedient to prevent the destruction or removal from the natu unsizeable oysters, and to fix by any such bye laws, rules, or size or dimensions of the smallest oysters which may be rem beds, and to appoint such means to be adopted in the dredgin the oysters on the fishing grounds as will secure the return oysters of less dimensions than those to be so fixed, and durin close time, or in places where in pursuance of said second-reci for oysters shall be prohibited for a certain period, to prohibi think fit, that any boat shall have on board a dredge or othe the taking of oysters, and to make such other rules and regul shall seem fit for the increase, improvement, and protecti fisheries.

Proprietors of oyster beds may appoint water bailiffs.

XXI. And be it enacted, that it shall and may be lawful or tenant of any oyster bed or laying, or for any associated interested in the protection and improvement of any oyster in the same manner and subject to the same restrictions at and by the said first-recited Act and this Act are provided for the bailiffs, any person or persons to be a water bailiff for the protection of any such oyster fishery, and for the the provisions of the said recited Acts and this Act in respect of the bye laws, rules, and regulations now or hereafter the commissioners in relation thereto; and the water bailiffs shall have and may exercise and use all and every the authorities, and have the same privileges, as by the said Act are vested in or given to the water bailiffs appointed thereunder, so far as the same may be necessary for the pu

Decisions and judgments of commissioners to be recorded, and copies to be evidence. XXII. AND be it enacted, that all orders and decisic definitions, which shall be made, pronounced, or given be sioners under the provisions of the said recited Acts corecorded in the office of the said commissioners, and a copy decision, judgment, or definition (as the case may be) shall the clerk or clerks of the peace for the county or counties

or the sea bordering on which or any part of which, the same shall relate or apply; and in all cases where it shall hereafter become necessary to prove any such order, decision, judgment, or definition in any court of law or justice, or elsewhere, a copy obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of any such order, decision, judgment, or definition; and any such order or decision. Orders not to judgment, or definition shall not be quashed, set aside, or adjudged void or want of form. insufficient for want of form only, and shall not be liable to be removed by &c. certiorari or otherwise into her Majesty's Court of Queen's Bench, or any other of her Majesty's courts of record in Dublin.

XXIII. AND be it enacted, that the several penalties, forfeitures, and Penalties and expences directed or empowered to be imposed, levied, recovered, or enforced under 7 & 8 under the provisions of the said recited Act of the seventh and eighth years Vict. c. 108. of the reign of her present Majesty or this Act, or by any bye law, rule, or and byelaws, to regulation made or to be made by the said commissioners in pursuance of the be recovered said recited Acts or this Act, may be recovered, levied, enforced, and applied directed by in like manner and by such ways and means as are provided by the said first- 5 & 6 Vict. recited Act of the fifth and sixth years of the reign of her present Majesty as to the penalties, forfeitures, and expences imposed or provided thereby.

XXIV. And be it enacted, that the said commissioners shall, as to all Commissioners matters and things done or to be done under the provisions of the said Act of powers, &c. the seventh and eighth years of her Majesty, or this Act, have, use, and exercise vict. c. 108. the like powers and authorities and have the like privileges as are by the said and this Act first-recited Act of the fifth and sixth years of her Majesty vested in or given as under 5 & 6 Vict. c. 106. to the commissioners of public works, or any of them, under the said firstrecited Act.

XXV. AND be it enacted, that the said herein-recited Acts of the fifth and This Act to be sixth years of her Majesty's reign and of the seventh and eighth years of her recited Acts. Majesty's reign shall continue and be in full force and effect, save and except so far as the same are or either of them is altered by or inconsistent with any of the provisions of this Act, and that the said Acts and this Act shall be construed together as one Act; . . .

construed with

IXXVI. AND be it enacted, that the word "salmon" in the said recited "Salmon" to include pollen Acts and this Act shall also mean and be construed to extend to and include or fresh-water the fish called pollen or fresh-water herring, and the fry and spawn thereof; and all the provisions of the said recited Acts and this Act for the protection and regulation of the salmon fisheries shall extend to and include such pollen, save and except that the close season for said pollen shall be the same as that fixed by said tirst-recited Act for trout, unless such close season for pollen shall same as for be altered by the said commissioners in pursuance of the powers vested in them trout. for altering the close time of any district, lake, or river; and during the open Pollen may be fishing time for such pollen it shall be lawful that the same may be fished for nets. or taken by such nets or other means as the said commissioners shall authorize, sanction, or direct.

Close time for

I The several interpretation clauses contained in the several Acts relating to engines used in the fisheries of Ireland are rep., 13 & 14 Vict. c. 88. s. 1.

CHAPTER CIX.

An Acr to amend the Law concerning Games and

THEREAS the laws heretofore made in res have been found of no avail to prevent the m therefrom, and also apply to sundry games of mischiefs cannot arise: Be it enacted by the Queen's m with the advice and consent of the lords spiritual and ter present Parliament assembled, and by the authority of a Act passed in the thirty-third year of the reign of King "The Bill for maintaining artillery, and the debarring of the control of the state of the control of the state of the control of the state of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the co game of mere skill, such as bowling, coyting, cloyshcayls, is declared an unlawful game, or which enacts any per game of skill as aforesaid, or which enacts any penalty or for not making and continuing butts, or which regu using of bows and arrows, and also so much of the said sheriffs, bailiffs, constables, and other head officers with town within this realm to make search weekly, or at the places where houses, alleys, plays, or places of dicing, suspected to be had, kept, and maintained, shall be reper said Act as makes it lawful for every master to license l every nobleman and other having manors, lands, tenemen term of life, in his own right or in his wife's right, to the pounds or above, to command, appoint, or license, by his o servants or family of his or their house or houses to play any unlawful game, as therein more fully set forth, shi Law. Rev. Act, 1875];

II. AND whereas doubts have arisen whether of reputed to be opened for the use of the subscribers persons desirous of using the same, are to be deemed Be it declared and enacted, that, in default of oth house or place to be a common gaming house, it sha of the allegation in any indictment or information to a common gaming house, to prove that such house of playing therein at any unlawful game, and that a for more of the players exclusively of the others, or game played therein are not alike favourable to a samong the players the banker or other person by who or against whom the other players stake, play, or be or place shall be deemed a common gaming house s and forbidden to be kept by the said Act of King Fall other Acts containing any provision against unhouses.

III. And be it enacted, that in every case (except police district) in which the justices of peace in a sheriffs, bailiffs, and other head officers within every within this realm, now have by law authority to enter or place where unlawful games shall be suspected lawful for any justice of the peace, upon complaint that there is reason to suspect any house, room, or place a common gaming house, to give authority, by special when in his discretion he shall think fit, to any constant assistance as may be found necessary, into such house

Repeal of part of 33 Hen. 8. c. 9.

What shall be sufficient evidence that n house is a common gaming house.

Justices may by warrant authorize constables to enter houses suspected of being common gaming houses, &c. manner as might have been done by such justices, mayors, sheriffs, bailiffs, or other head officers, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to arrest, search, and bring before a justice of peace all such persons found therein as might have been arrested therein by such justice of peace had he been personally present; and all such persons shall be dealt with according to law, as if they had been arrested in such house, room, or place by the justice before whom they shall be so brought; and any such warrant may be in the form given in the first schedule annexed to this Act.

IV. And be it enacted, that the owner or keeper of any common gaming Penalties on house, and every person having the care or management thereof, and also keepers, &c. every banker, croupier, and other person who shall act in any manner in conducting the business of any common gaming house, shall, on conviction thereof by his own confession, or by the oath of one or more credible witnesses, before any two justices of the peace, beside any penalty or punishment to which he may be liable under the provisions of the said Act of King Henry the Eighth, be liable to forfeit and pay such penalty, not more than one hundred pounds, as shall be adjudged by the justices before whom he shall be convicted, or, in the discretion of the justices before whom he shall be convicted, may be committed to the house of correction, with or without hard labour, for any time not more than six calendar months; and on nonpayment of any penalty so adjudged, and of the reasonable costs and charges attending the conviction, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of one of the convicting justices: Provided always, that nothing herein contained shall Saving for prevent any proceeding by indictment against the owner or keeper or other for indictment; person having the care or management of a common gaming house; but no person who shall have been summarily convicted of any such offence shall be convicted not liable to be proceeded against by indictment for the same offence.

V. And be it enacted, that it shall not be necessary, in support of any infor- Proof of mation for garning in, or suffering any games or gaming in, or for keeping or using, or being concerned in the management or conduct of, a common gaming house, to prove that any person found playing at any game was playing for any money, wager, or stake.

VI. AND be it enacted, that if any superintendent belonging to the metro- Commissioners politan police force shall report in writing to the commissioners of police of the of police may metropolis that there are good grounds for believing, and that he does believe, superintendents that any house, room, or place within the metropolitan police district is kept and constables or used as a common gaming house, it shall be lawful for either of the said ing house commissioners, by order in writing, to authorize the superintendent to enter any such house, room, or place, with such constables as shall be directed by &c. the commissioner to accompany him, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to seize all tables and instruments of gaming found in such house or premises, and also to seize all monies and securities for money found therein.

VII. AND be it enacted, that it shall be lawful for the police superintendent Police supermaking such entry as aforesaid in obedience to any such order of one of the intendents may search commissioners of police of the metropolis, with the assistance of any constable for and seize VOL. IX. 3 R

Warrant may be in form in schedule. convicted before justices.

but persons summarily to be liable to indictment. playing for money, &c. not necessar in support of informations for gaming.

to enter gampolice district,

instruments of gaming, &c.

or constables accompanying him, to search a place which he shall have so entered whe or instruments of gaming are concealed, and therein, and to seize all tables and instrument find.

What shall be deemed evidence of gaming.

VIII. And be it enacted, that where any or other instruments of gaming used in play found in any house, room, or place suspected house, and entered under a warrant or order this Act, or about the person of any of those shall be evidence, until the contrary be made or place is used as a common gaming house, a room or place where such tables or instrumfound were playing therein, although no pla presence of the superintendent or constable entering or order issued under the provisions of this persons by whom he shall be accompanied as for the police magistrate or justices before whe virtue of the warrant or order to direct all agaming to be forthwith destroyed.

Magistrates may order tables, &c. to be destroyed.

Persons concerned in gaming, and giving evidence, to be exempt from prosecutions, &c.

IX. And for the more effectual prosecuting gaming houses, be it enacted, that every perceived in any unlawful gaming, and who shall before any police magistrate or justice of the indictment or information against the owner of the care or management of any common gaming gaming, and who upon such examination shall to the best of his or her knowledge of all thing so examined, and shall thereupon receive from peace or judge of the court by or before whom a certificate in writing to that effect, shall be cutions, and from all forfeitures, punishments, she may have become liable for anything done such unlawful gaming.

Justices may grant and transfer billiard licences at licensing sessions.

X. And be it enacted, that the justices in e in England for which a special session of the general annual licensing meeting) is holden as persons keeping or being about to keep inns, a to sell exciseable liquors by retail, to be drund therein specified, shall have authority at such g or at any adjournment thereof, to grant billians said justices shall in their discretion deem fit at tables and bagatelle boards, or instruments use and at the special sessions holden for transferr have authority to transfer such billiard licence in their discretion shall deem fit and proper to who in each case shall be required to give the like for such billiard licence, and [Rep., Stat. Law Rev. the like notice of the licensing days, as is re-

intending to apply for a licence or the transfer of a licence to sell exciseable liquors by retail to be drunk or consumed on the premises, or as near thereto as the case will allow; and every such billiard licence shall be in the form Licence to be given in the third schedule annexed to this Act, and shall continue in force schedule. in the counties of Middlesex and Surrey from the fifth day of April, and else- Daration of where from the tenth day of October, after the granting thereof, for one whole year thence respectively next ensuing, and no longer; and the clerk of the Fees for justices shall be entitled to demand and receive from every person licensed under this Act, for the petty constable or other peace officer, for serving notices and other services required of him, the sum of one shilling, and for the clerk of the justices, for the licence, the sum of five shillings; and every clerk Penalty for who shall demand or receive from any person for such fees more than the said taking larger fees. sums, being together six shillings, shall for every such offence, on conviction before one justice, forfeit and pay the sum of five pounds.

XI. And be it enacted, that after the fifth day of April in the year one Places kept thousand eight hundred and forty-six in the counties of Middlesex and Surrey, for public billiard tables and elsewhere after the tenth day of October next after the passing of this to be licensed; Act, every house, room, or place kept for public billiard playing, or where a public billiard table or bagatelle board, or instrument used in any game of the like kind, is kept, at which persons are admitted to play, except in houses or except places premises specified in any licence granted under an Act passed in the ninth licensed under year of the reign of King George the Fourth, intituled "An Act to regulate c. 61. " the granting of licences to keepers of inns, alchouses, and victualling houses " in England," herein-after called a victualler's licence, shall be licensed under this Act; and after the said fifth day of April in Middlesex and Surrey, and Penalty for elsewhere after the said tenth day of October, every person keeping any such table without public billiard table or bagatelle board, or instrument used in any game of the licence, or like kind, for public use, without being duly licensed so to do, and not holding without putting up notice. a victualler's licence for the house or premises where such billiard table, bagatelle board, or other instrument as aforesaid is kept or used, and also every person licensed under this Act who shall not during the continuance of such billiard licence put and keep up the words "licensed for billiards," legibly printed in some conspictious place near the door and on the outside of the house specified in the licence, shall be liable to be proceeded against as the keeper of a common gaming house, and, besides any penalty or punishment to which he may be liable if convicted of keeping a common gaming house, shall, on conviction of keeping such unlicensed billiard table, bagatelle board, or other instrument as aforesaid, by his own confession, or by the oath of one or more credible witnesses, before any police magistrate or any two justices of the peace, be liable to pay such penalty, not more than ten pounds for every day on which such billiard table, bagatelle board, or instrument as aforesaid shall be used, as shall be adjudged by the magistrate or justices before whom he shall be convicted, or, in the discretion of the magistrate or justices, may be committed to the house of correction, with or without hard labour, for any time not more than one calendar month; and on nonpayment of any penalty so adjudged, and of the reasonable costs and charges of the conviction, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the magistrate or one of the convicting justices; but no person who shall have been summarily convicted summarily

convicted not to be liable to indictment.

Penalties for offences against tenor of licences, as for offences against tenor of licences granted under 9 Geo. 4. c. 61.

of any such offence shall be liable to be further proceede ment for the same offence.

XII. And be it enacted, that every person licensed under be convicted before a police magistrate or two justices ac division or place in which shall be situated the house kep by such person of any offence against the tenor of the lie shall be liable to the same penalties and punishments, in second, or third offence respectively, to which persons lic passed in the ninth year of the reign of King George t " An Act to regulate the granting of licences to keepers of " victualling houses in England," are respectively liable first, second, or third offence against the tenor of the licer under the last recited Act, or as near thereunto as the nat allow; and all the provisions of the last-recited Act with r and penalties for offences against the last-recited Act, and enforcing the same, and to the expences of prosecution a nesses for not attending, and the recovery and application proceedings on appeals against convictions, and the award and in actions against justices, constables, or other person in execution of the last-recited Act, shall be deemed to ap applicable, to convictions for offences against the tenor of under this Act, and to the proceedings consequent the therewith, as if they were herein re-enacted.

When billiard playing shall not be allowed.

XIII. And be it enacted, that every person keeping an or bagatelle board, or instrument used in any game of the he be the owner of a victualler's licence or licensed unde allow any person to play at such table, board, or instru before eight of the clock in the morning of any day, or at Christmas Day, or Good Friday, or any day appointed t fast or thanksgiving, and every person holding a victual allow any person to play at such table, board, or inst premises specified in such victualler's licence at any time are not by law allowed to be open for the sale of wine, sp fermented or distilled liquors, shall be liable to the pens in the case of persons keeping such public billiard tab instrument as aforesaid for public use without licence; a when play at such table, board, or instrument is not allo house licensed under this Act, and every billiard room is in any victualler's licence, shall be closed, and the keep or allowing any person to play therein or thereat, at a any of the days during which such play is not allowed deemed in each case an offence against the tenor of th so offending.

Constables empowered to visit licensed houses.

Refusing admission to be deemed an offence against tenor of licence. XIV. And be it enacted, that it shall be lawful officers of police to enter into any house, room, or table or board is kept for playing at billiards, bagatelike kind, when and so often as such constables and officend every person licensed under the said Act of the ni King George the Fourth, or under this Act, who shall

shall not admit any such constable or officer of police into such house, room, or place, shall, on conviction thereof before a police magistrate or any two justices of the peace, be deemed guilty of an offence against the tenor of his licence, whether the same be a billiard licence or a victualler's licence,

XV. And be it enacted, that an Act passed in the sixteenth year of the reign of Repeal of King Charles the Second, and an Act passed by the Parliament of Ireland in the tenth 16 Cha. 2. c. 7. year of the reign of King William the Third, each of such Acts being intituled "An "Act against deceitful, disorderly, and excessive gaming," and so much of an Act passed in the ninth year of the reign of Queen Anne, and of an Act passed by the Parliament of Ireland in the eleventh year of the same reign, each of such Acts being intituled "An Act for the better preventing of excessive and deceitful gaming," as was not altered by an Act passed in the sixth year of the reign of his late Majesty, intituled "An Act to amend the law relating to securities given for considerations "arising out of gaming, usurious, and certain other illegal transactions," and so much of c. 41. an Act passed in the eighteenth year of the reign of King George the Second, intituled and of part of "An Act to explain, amend, and make more effectual the laws in being to prevent 18 Geo. 2. "excessive and deceitful gaming, and to restrain and prevent the excessive increase of c. 84. " horse races," as relates to the first-recited Act of Queen Anne, or as renders any person liable to be indicted and punished for winning or losing, at play or by betting, at any one time, the sum or value of ten pounds, or within the space of twenty-four hours the sum or value of twenty pounds, shall be repealed [Rep., Stat. Law Rev. Act, 1875],

and 10 Will. 3. (I.) c. ii.; and of so much of 9 Ann. c. 19. and 11 Ann. (I.) not altered by 5 & 6 Will. 4.

XVII. AND be it enacted, that every person who shall, by any fraud or Winning unlawful device or ill practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting play, or by on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime, or exercise, win from any other person to himself, or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being money by false convicted thereof, shall be punished accordingly.

XVIII. And be it enacted, that all contracts or agreements, whether by parole or in writing, by way of gaming or wagering, shall be null and void; by way of gaming to be and that no suit shall be brought or maintained in any court of law or equity void, and for recovering any sum of money or valuable thing alleged to be won upon deposited with any wager, or which shall have been deposited in the hands of any person to stakeholders abide the event on which any wager shall have been made: Provided always, that this enactment shall not be deemed to apply to any subscription or contribution, or agreement to subscribe or contribute, for or towards any plate, prize, or sum of money to be awarded to the winner or winners of any lawful for prizes to game, sport, pastime, or exercise.

XIX. AND whereas many important questions are now tried in the form of feigned issues, by stating that a wager was laid between two parties interested in respectively maintaining the affirmative and the negative of certain propositions; but such questions may be as satisfactorily tried without such form: Be it therefore enacted, that in every case where any court of law or equity Proceedings may desire to have any question of fact decided by a jury it shall be lawful issues for such court to direct a writ of summons to be sued out, by such person or abolished. persons as such court shall think ought to be plaintiff or plaintiffs, against Court may such person or persons as such court shall think ought to be defendant or direct sumdefendants therein, in the form set forth in the second schedule to this Act inschedule to

cheating at sharing stakes, or by betting or wagering on the event of any game, to be punished as obtaining pretences.

Contracts not to be recoverable Saving for subscriptions

winners of lawful games.

be sued out for decision of questions.

Appeal to quarter sessions.

Witnesses to be bound over to appear on appeal, and to be paid expences under 7 Geo. 4. c. 64.

If appeal dismissed, expences to be repaid by appellant.

Distress not unlawful for want of form,

Plaintiff not to recover after tender of amends.

Payment into

Limitation of actions, &c.

annexed, with such alterations or additions as such court may this and thereupon all the proceedings shall go on and be brought to a same manner as is now practised in proceedings under a feigned iss

XX. And be it enacted, that any person who shall be summaril under this Act may appeal to the next general or quarter session of to be holden for the county or place wherein the cause of complain arisen, provided that such person at the time of the conviction, or v eight hours thereafter, shall enter into a recognizance, with tw securities, conditioned personally to appear at the said session appeal, and to abide the further judgment of the court at such se pay such costs as shall be by the last-mentioned court awarded; be lawful for the magistrate or justices by whom such convictio been made to bind over the witnesses who shall have been exam cient recognizances to attend and be examined at the hearing of and that every such witness, on producing a certificate of being under the hand of the said magistrate or justices, shall be allow tion for his or her time, trouble, and expences in attending the compensation shall be paid in the first instance by the treasurer or place, in like manner as in cases of misdemeanor, under the pr Act passed in the seventh year of the reign of King Georg intituled "An Act for improving the administration of crimi " England," and in case the appeal shall be dismissed, and the viction affirmed, the reasonable expences of all such witnesses aforesaid, to be ascertained by the court, shall be repaid to the by the appellant.

XXI. And be it enacted, that when any distress shall be made to be levied by virtue of the warrant of any justice under this shall not be deemed unlawful, nor shall any party making the sa trespasser, on account of any defect or want of form in the summons, warrant of apprehension, conviction, warrant of diproceeding relating thereto, nor shall such party be deemed a the beginning on account of any irregularity which shall be similarly be mitted by him, but all persons aggrieved by such defect or in recover full satisfaction for the special damage by an action on of her Majesty's courts of record.

XXII. And be it enacted, that no plaintiff shall recover is any irregularity, trespass, or other wrongful proceeding made the execution of this Act, or in, under, or by virtue of any a given, if tender of sufficient amends shall have been made, by the party who shall have committed such irregularity, tre wrongful proceeding, before such action brought; and in case have been made it shall be lawful for the defendant in any leave of the court where such action shall depend, at any to joined, to pay into court such sum of money as he shall think such proceeding, order, and adjudication shall be had and such court as in other actions where defendants are allowed to court.

XXIII. And be it enacted, that no action, suit, or infecter proceeding, of what nature soever, shall be brought ag

for any thing done or omitted to be done in pursuance of this Act, or in the execution of the authorities under this Act, unless notice in writing shall be given by the party intending to prosecute such suit, information, or other proceeding, to the intended defendant, one calendar month at least before prosecuting the same, nor unless such action, suit, information, or other proceeding shall be brought or commenced within three calendar months next after the act or omission complained of, or in case there shall be a continuation of damage, then within three calendar months next after the doing such damage shall have ceased.

XXIV. And be it enacted, that in Ireland the term "metropolitan police Interpretation "force," and the terms "commissioners of the police of the metropolis," and the terms "metropolitan police district," shall mean and include respectively force," &c. in the Dublin metropolitan police force, the commissioners of police of Dublin metropolis, and the police district of Dublin metropolis.

XXV. And be it enacted, that no information, conviction, or other proceed- Conviction, ing before or by any justice or justices under this Act shall be quashed or set &c. not to be quashed aside, or adjudged void or insufficient, for want of form, or be removed by for informality, certiorari into her Majesty's Court of Queen's Bench.

The First Schedule to which the foregoing Act refers.

Form of Warrant.

County of To the constable

WHEREAS it appears to me, J.P., one of the justices of our lady the Queen assigned to keep the peace in the said county, by the information on oath of A.B. of , in the county of , yeoman, that the house [room or place] known as [here insert a description of the house, room, or place, by which it may be readily known and found,] is kept and used as a common gaming house within the meaning of an Act passed in year of the reign of her Majesty Queen Victoria, intituled [here insert the title of this Act]:

This is, therefore, in the name of our lady the Queen, to require you, with such assistants as you may find necessary, to enter into the said house [room or place], and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and there diligently to search for all instruments of unlawful gaming which may be therein, and to arrest, search, and bring before me, or some other of the justices of our lady the Queen assigned to keep the peace within the county of , as well the keepers of the same as also the persons there haunting, resorting, and playing, to be dealt with according to law; and for so doing this shall be your warrant.

J.P. (L.s.) , in the county day of

Given under my hand and seal at of

in the

year of the reign of

The SECOND SCHEDULE to which the foregoing

In the Court of Queen's Bench [Common Pleas, or Eninferior Court, as the Case may be Middlesex, to wit, [or such other county as may be direct Whereas A.B. affirms, and C.D. denies, [here state full issue,] and the lord chancellor [or such other court, &c.] taining the truth by the verdict of a jury, and both part may be inquired of by the country. Now let a jury, &c.

The THIRD SCHEDULE to which the foregoing

FORM of Licence.

At the general licensing annual meeting [or an adjour annual licensing meeting, or at a special petty session] of of the peace acting for the division [or liberty, &c., : , in the county of , ho of in the day of on the for the purpose of granting billiard licences, we, being her Majesty's justices of the peace acting for the said c as the case may be,] and being the majority of those session, do hereby authorize and empower A.L., now dwe , to keep a house for in the parish of at [here specify the house], provided that he [or she] words "licensed for billiards" legibly printed in some the door and on the outside of the said house, and do not permit drunkenness or other disorderly conduct in the s knowingly allow the consumption of exciseable liquors t resorting thereto, and do not knowingly suffer any unl and do not knowingly suffer persons of notoriously bad and meet together therein, and do not open the said he any play therein after one and before eight of the clo keep it open or allow any play therein on Sundays, Ch. Friday, or on any day appointed for a public fast or maintain good order and rule therein: And this licence s day of next unt then next following, and no lon Given under our hands and seals on the day as

CHAPTER CX.

An Act for the better collecting Borough and Watch Ra

written.

WHEREAS by an Act passed in the sixth year of Majesty, intituled "An Act to provide for the reg " corporations in England and Wales," authority was give

5 & 6 Will, 4. c. 76,

boroughs in certain cases to levy borough rates, and also watch rates, for the purposes of the said Act: And whereas the powers and directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such borough rates and watch rates, are found to be insufficient for that purpose: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this for parts of present Parliament assembled, and by the authority of the same, that in every case in parishes and which any parish or place liable to support its own poor, or any extra-parochial place, shall lie partly within and partly without any such borough, and the council of such borough hath appointed or hereafter shall appoint one or more persons to act as overseer or overseers within that part of such parish or place, or those parts of such parishes or places, which is or are within the same borough, for making, levying, and collecting borough rates or watch rates made or hereafter to be made therein, the person or persons so appointed shall be empowered to levy and raise, by an equal rate or assessment upon all the property within each of the parts of parishes or places respectively for which he or they shall be so appointed which, if such part were a parish maintaining its own poor, would be rateable to the relief of the poor, such sums of money as shall be required in order to raise the several sums assessed upon such parts of parishes or places respectively, or to reimburse such person or persons as aforesaid such sums of money as he or they shall have paid for any borough rate or watch rate made or hereafter to be made by the council of the borough wherein such part of a parish or place, or parts of parishes and places, respectively, shall be situated; such rate or assessment, or respective rates or assessments, to be paid by the occupier or occupiers for the time being of such rateable property as aforesaid; and that the person or persons so appointed or to be appointed to act as such overseer or overseers for the purposes aforesaid shall have and exercise, in and for the purpose of making, levying, and collecting every such rate or assessment as aforesaid, all the powers which by the laws now or hereafter to be in force overseers of the poor have or may have for making, assessing, collecting, and recovering rates for the relief of the poor within their several parishes; and every such rate or assessment made or to be made Assessments by any person or persons appointed or to be appointed to act as overseer or overseers to be called of the part of any parish or place within any such borough shall, for the purposes of district rates. this Act, be called a district rate. [Rep., Stat. Law Rev. Act, 1875.]

places within boroughs to

raise the sums to be levied upon such

borough or watch rates.

II. AND be it enacted, that no such district rate, nor any [Rep., Stat. Law Rev. District rates, Act, 1875. I separate rate made by overseers of the poor for raising a watch watch rates rate as herein-after is mentioned, shall be demanded, collected, or payable, made by overuntil the same shall have been allowed by two or more justices of the peace as hereinafter usually acting in and for such borough, and shall also have been published in mentioned, like manner as rates for relief of the poor are by law required to be allowed collected until and published.

not to be

III. Provided always, and be it enacted, that any person who shall think published. himself aggrieved by any such district rate as aforesaid, or [Rep., Stat. Law Rev. Act, Persons aggrieved 1875. by any separate rate to be made by any overseers of the poor for may appeal. raising a watch rate as herein-after is mentioned, may appeal to the recorder of the borough in which such rate has been made, at the next quarter session for the same borough, or, in case there shall be no recorder in such borough, to the justices at the next court of quarter sessions for the county within which such borough is situated, or whereunto it is adjacent; and such recorder or justices respectively shall hear and determine the same, and shall award relief in the premises as in the case of an appeal against any rate made for the relief of the poor.

IV. And be it enacted, that every such district rate as aforesaid made for the District and purpose of raising money to pay or reimburse any borough rate or watch rate charged separate watch by the council of the borough upon such part of a parish or place, and IRep., Stat. Law Rev. Act, 1875.] every separate rate to be made by overseers of the poor raise the for raising a watch rate as herein-after mentioned, may be at such amount or amount re-

but not to exceed 2d. in the pound of the annual value.

Collectors to account.

Surplus of district rate to be paid to the treasurer.

Separate rate made by overseers for raising watch rates to be accounted for, and surplus paid to the treasurer.

Persons rated may be excused on account of poverty. rate in the pound as may be necessary for raising the sum or respe so charged by such council, so that no such district rate, or TRep., Sta Act, 1875. rate for raising a watch rate, exceed two-pence in the po annual value of property rateable thereunto, beyond the rate in the which the council of the same borough shall have computed the gene rate or [Rep., Stat. Law Rev. Act, 1875.] watch rate so laid or charged and that the person or persons collecting such district rate shall be liable t an officer appointed by the council of the borough in or for any part of wh act, and shall be liable to the same penalties, remedies, and proceedings in for refusing or neglecting to account and pay over the monies from remaining in his hands, to which other officers appointed by the council are in case of there being a surplus in the hands of such person or persons any district rate, above the amount for raising which such district rate wa such surplus shall be paid to the treasurer of the borough fund, to the place within and for which such district rate was made, and go in part rate of the like denomination to be made and laid on such place by the co borough [Rep., Stat. Law Rev. Act, 1875.]; and in regard to separate by overseers of the poor for raising watch rates as is herein-after such overseers shall account for the money collected under or b such separate rates in like manner as for money collected under for the relief of the poor; and in case of there being a surplus in such overseer arising from any such separate rate made for rais rate, above the amount to raise which such separate rate was made surplus shall be paid to the treasurer of the borough fund, to the place within and for which such separate rate was made, and go the next watch rate to be made and laid on such place by the such borough.

V. And be it enacted, that it shall be lawful for the council of in which any district rate, or [Rep., Stat. Law Rev. Act, 1875.] any s to be made by overseers of the poor for raising a watch rate as mentioned, shall be made, or for any committee of the council a that purpose, on application by or on behalf of any person rated district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a w be discharged therefrom, and on proof of his or her inability, thro to pay the amount charged upon him or her by such district rate, Law Rev. Act, 1875. rate for raising a watch rate, to order that shall be excused from the payment of such district rate, or [Rep., S Act, 1875. Trate for raising a watch rate, and to strike out his therefrom; and the sum at which such person was so rated in rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch ra thereafter be collected, nor shall any person be charged therewis manner called or liable to account for the same, or for omitting receive the same.

Where part only of a parish or place situate in a borough is liable to watch rate, overseers to assess and raise the sum required upon the part liable,

VI. And be it enacted, that in every case in which a part parish or place liable to maintain its own poor, and situated borough, shall be liable to watch rate, the overseers of the poor or place shall not pay the amount of any watch rate charged by such borough upon such parish or place out of money collected for rates for the relief of the poor, but shall make a separate rate upon the part or parts only of such parish or place liable to wa raising and paying the same watch rate, which rate shall be

manner, and under like regulations, and with like means and remedies for in like manner recovery thereof, as are herein contained in relation to district rates.

as a district

distress, &c.

VII. AND be it enacted, that it shall be lawful for the person or persons Recovery appointed or to be appointed to act as overseer or overseers for making, levying, and of rates by collecting borough rates and watch rates in the parts of parishes or places situate within the limits and jurisdiction of any city or borough as aforesaid, or any of them, and Rep., Stat. Law Rev. Act, 1875. for the overseers of the poor making any separate rate or assessment for the purpose of raising the amount of any watch rate, by warrant from any two justices of the peace usually acting in and for the borough wherein the parishes [Rep., Stat. Law Rev. Act, 1875.]. parts of parishes or places, in or for which any district rate, or [Rep., Stat. Law Rev. Act, 1875. Trate for raising a watch rate, may be made, shall be situated, to levy upon every person who shall refuse to pay the amount assessed or charged upon him or her by any such district rate, or TRep., Stat. Law Rev. Act, 1875. Trate for raising a watch rate, according as they shall be assessed, the amount so assessed or charged upon him, her, or them, together with the costs and charges of recovering and enforcing payment of the same, to be ascertained by such justices, by distress and sale of the offender's goods, rendering to the parties the overplus; and in default of such distress it shall be lawful for any two such justices of the peace to commit him or them to the common gaol of or used for the same borough, there to remain, without bail or mainprize, until payment of the said amount and arrearages.

CHAPTER CXII.

An Acr to render the Assignment of satisfied Terms unnecessary.

[8th August 1845.]

HEREAS the assignment of satisfied terms has been found to be attended with great difficulty, delay, and expence, and to operate in many cases to the prejudice of the persons justly entitled to the lands to which they relate: Satisfied terms Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in inheritance, this present Parliament assembled, and by the authority of the same, that on 31st Dec. every satisfied term of years which, either by express declaration or by con- 1845, to cease, struction of law, shall upon the thirty-first day of December one thousand the same eight hundred and forty-five be attendant upon the inheritance or reversion of protection as if still subsistany lands shall on that day absolutely cease and determine as to the land ing but not upon the inheritance or reversion whereof such term shall be attendant as aforesaid, except that every such term of years which shall be so attendant as aforesaid by express declaration, although hereby made to cease and determine, shall afford to every person the same protection against every incumbrance, charge, estate, right, action, suit, claim, and demand as it would have afforded to him if it had continued to subsist, but had not been assigned or dealt with, after the said thirty-first day of December one thousand eight hundred and forty-five, and shall for the purpose of such protection be considered in every court of law and of equity to be a subsisting term.

II. And be it enacted, that every term of years now subsisting or hereafter Terms becoming satisfied to be created, becoming satisfied after the said thirty-first day of December and attendant

upon inheritance, &c. of lands, after 31st Dec. 1845, to cease.

Interpretation of terms.

" Lands."

Number and gender.

Extent of

Certain documents purporting to be sealed, signed, &c. to be received in evidence without proof of seal or signature, &c. of person signing the same, where the original record could have been received.

Courts, &c. to take judicial notice of one thousand eight hundred and forty-five, and which declaration or by construction of law, shall after that da upon the inheritance or reversion of any lands, shall im same becoming so attendant absolutely cease and determin the inheritance or reversion whereof such term shall be aforesaid.

III. AND be it enacted, that in the construction and for Act, unless there be something in the subject or context construction, the word "lands" shall extend to all freel hereditaments, whether corporeal or incorporeal, and to land as will pass by deed, or deed and admittance, and any undivided part or share thereof respectively; and extend singular number only shall extend and be applied things as well as one person or thing; and every word important gender only shall extend and be applied to a female as well

IV. AND be it enacted, that this Act shall not extend to

CHAPTER CXIII.

An Acr to facilitate the Admission in Evidence of certa Documents.

HEREAS it is provided by many statutes that various and public documents, documents and proceedings of joint stock and other companies, and certified copies of entries in registers and other books, shall be receivable in particulars in courts of justice, provided they be respective the manner prescribed by such statutes: And whereas the these provisions has been found by experience to be great difficulty of proving that the said documents are genuine to facilitate the admission in evidence of such and the li therefore enacted by the Queen's most excellent Majest advice and consent of the lords spiritual and temporal, a present Parliament assembled, and by the authority of the ever by any Act now in force or hereafter to be in force a or public document, or document or proceeding of any stock or other company, or any certified copy of any docu in any register or other book, or of any other proceeding in evidence of any particular in any court of justice, or befo or either House of Parliament, or any committee of eit judicial proceeding, the same shall respectively be admit vided they respectively purport to be sealed or impress sealed and signed, or signed alone, as required, or impress signed, as directed by the respective Acts made or to be] out any proof of the seal or stamp, where a seal or star the signature or of the official character of the person app the same, and without any further proof thereof, in eve original record could have been received in evidence.

II. And be it enacted, that all courts, judges, justices, masters of courts, commissioners judicially acting, and

shall henceforth take judicial notice of the signature of any of the equity or signatures of common law judges of the superior courts at Westminster, provided such signature be attached or appended to any decree, order, certificate, or other judicial or official document.

III. And be it enacted, that all copies of private and local and personal Copies of Acts of Parliament not public Acts, if purporting to be printed by the Queen's private Acts, nrinted by printers, and all copies of the journals of either House of Parliament, and of Queen's royal proclamations, purporting to be printed by the printers to the crown or by the printers to either House of Parliament, or by any or either of them, shall be admitted as evidence thereof by all courts, judges, justices, and others, tions, printed

without any proof being given that such copies were so printed.

IV. PROVIDED always, and be it enacted, that if any person shall forge the seal, printer, admisstamp, or signature of any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or of any certified copy of any document, bye law, entry in any register or other stamp, or book, or other proceeding as aforesaid, or shall tender in evidence any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any private Act, &c. document, bye law, entry in any register or other book, or of any other with false purproceeding, with a false or counterfeit seal, stamp, or signature thereto, know- of felony. ing the same to be false or counterfeit, whether such seal, stamp, or signature be those of or relating to any corporation or company already established, or to any corporation or company to be hereafter established, or if any person shall forge the signature of any such judge as aforesaid to any order, decree, certificate, or other judicial or official document, or shall tender in evidence any order, decree, certificate, or other judicial or official document, with a false or counterfeit signature of any such judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any person shall print any copy of any private Act or of the journals of either House of Parliament, which copy shall falsely purport to have been printed by the printers to the crown, or by the printers to either House of Parliament, or by any or either of them, or if any person shall tender in evidence any such copy, knowing that the same was not printed by the person or persons by whom it so purports to have been printed every such person shall be guilty of felony, and shall upon conviction be liable to transportation for seven years, or to imprisonment for any term not more than three nor less than one year, with hard labour: Provided also, that Documents whenever any such document as before mentioned shall have been received in received in evidence by virtue of this Act, the court, judge, commissioner, or other person this Act may officiating judicially who shall have admitted the same shall, on the request of any party against whom the same is so received, be authorized, at its or at his order, at request own discretion, to direct that the same shall be impounded, and be kept in the against whom custody of some officer of the court or other proper person, until further order admitted, &c. touching the same shall be given, either by such court, or the court to which such master or other officer belonged, or by the persons or person who constituted such court, or by some one of the equity or common law judges of the superior courts at Westminster, on application being made for that purpose.

V. And be it enacted, that this Act shall not extend to Scotland.

judges, attached to decrees, &c. printer, and of journals of Parliament, and proclamaby Queen's or Parliamentary forging seal, of certain

evidence under be impounded until further

Extent of Act.

CHAPTER CXIV.

AN ACT for the Abolition of certain Fees in Criminal Proceedings
[8th A

55 Geo. 3. c. 50.

Extension of provisions of recited Act respecting the discharge of prisoners without payment of fees to persons charged with felony, &c. against whom no bill is found, or who are acquitted, or discharged for want of prosecution.

THEREAS an Act was passed in the fifty-fifth year of the r George the Third, intituled "An Act for the abolition of g " fees connected with the gaols in England," and doubts have been as to the extent and meaning of the said Act, and it is expedient be explained and amended: Be it declared and enacted by the excellent Majesty, by and with the advice and consent of the l and temporal, and commons, in this present Parliament assemble authority of the same, that the provisions of the said Act respe charge of certain prisoners without payment of any fee do and sl all persons who now are or hereafter shall be charged with or in felony, or as an accessory thereto, or with or for any misdemean court of criminal jurisdiction in England, against whom no bill shall be found by the grand jury, or who on his, her, or their acquitted, or who shall be discharged by proclamation for want o and that it is not and shall not be lawful to demand or take f persons any fee for their appearance to the indictment or information allowing them to plead thereto, or for recording their appeara for discharging any recognizance taken from any such persons, or sureties for them.

II. And whereas by the said Act it was provided that the clerks of the peace, or clerks of the court, and their deputies, at the amount of the fees theretofore payable to them respectively abolished by the said Act out of the rates of the county, distriding, or division, or out of the public stock of the city, town corport, liberty, franchise, or place, of which they were severally the it enacted, that no such payment shall be made out of any such in satisfaction of any of the fees abolished by the said Act, to assize, clerk of the peace, or clerk of the court appointed after this Act, or to their or any of their deputies.

Compensation for fees abolished not to be paid to officers appointed after passing of recited Act.

CHAPTER CXV

An Act for the Appointment of a Taxing Master for the I Chancery in Ireland. [8th

WHEREAS it is expedient to appoint a new officer for the costs in the high Court of Chancery in Ireland: Be enacted by the Queen's most excellent Majesty, by and with the consent of the lords spiritual and temporal, and commons, in Parliament assembled, and by the authority of the same, that the first day of November one thousand eight hundred and taxing of costs in the high Court of Chancery in Ireland shall be an officer to be denominated "the Taxing Master," who shall during his good behaviour, and shall discharge his duties in where otherwise provided by this Act, and may be removed fro the lord chancellor of Ireland for misconduct; and the business.

The taxation of costs in the Court of Chancery in Ireland to be conducted by one taxing master, who shall discharge the duties in person, and shall be removeable for misconduct.

acted by such taxing master shall be the taxing of costs as aforesaid, and also such other business (if any) connected with the Court of Chancery in Ireland as the lord chancellor, with the advice and consent of the master of the rolls in Ireland for the time being, shall from time to time by any order direct; and the places, times, and manner in which the same shall be conducted shall be such as the lord chancellor shall from time to time by any order direct; and from and after the commencement of this Act no such costs shall be taxed by any other officer or person whomsoever.

II. And be it enacted, that the lord chanceHor shall have power to appoint Lord chansome fit and competent person to be the first taxing master under this Act, cellor to appoint the being a barrister at law of not less than ten years standing at the bar, or being taxing master, a solicitor who shall for not less than ten years have practised as a solicitor of successors. the said court; and that as often as the said taxing master so to be appointed. or any of his successors, shall die or resign, or be removed from his office, the lord chancellor shall have power to appoint a taxing master, qualified as aforesaid, in the room of the taxing master who shall so die, resign, or be removed.

III. AND be it enacted, that in case of absence from illness or other reason- Appointment able cause it shall be lawful for any taxing master under this Act to appoint a in case of deputy, such deputy, and also the occasion for such appointment, being first absence. approved by the lord chancellor; and that in case any taxing master under this Act, being absent as aforesaid, shall neglect to appoint such deputy, or to renew the appointment of a deputy, the lord chancellor may appoint a deputy; and every deputy to be appointed as aforesaid shall have all the powers and authorities of his principal, and shall be paid such sum, out of the salary of his principal, as the lord chancellor shall direct.

IV. AND be it enacted, that it shall be lawful for every such taxing master Taxing under this Act to administer the oaths and take the affirmations and attestations of honour which he may from time to time be required to administer and oaths and take take by any order made by the lord chancellor, with. the advice and consent affirmations. of the master of the rolls for the time being.

V. AND be it enacted, that all persons swearing, affirming, or attesting Persons before any taxing master under this Act shall be liable to all such penalties, swearing before taxing master punishments, and consequences, for any wilful and corrupt false swearing or subject to perjury, as if the matters sworn, affirmed, or attested had been sworn, affirmed, perjury. or attested before the High Court of Chancery, or any of the masters in ordinary thereof.

VI. AND be it enacted, that every taxing master under this Act shall be Salary of entitled to receive such annual salary, not exceeding one thousand pounds, as the commissioners of her Majesty's Treasury shall direct; and such taxing master may appoint, to assist him in his business, two clerks, and as many Taxing master more as the lord chancellor, with the consent of the said commissioners of her and remove Majesty's Treasury, shall from time to time by any order direct; and every clerks and fill such taxing master may from time to time remove such clerk or clerks, and fill up all vacancies in the office of such clerks, whether occasioned by death, resignation, or removal; and the said clerks shall respectively receive such Salaries of salaries as may be directed by the commissioners of her Majesty's Treasury: Provided always, that no clerk shall be appointed by a taxing master to fill

up a vacancy while he shall have a clerk or clerks, unless the lord shall by any order declare such appointment to be necessary.

Taxing master and clerks not to take gratuities. VII. AND be it enacted, that if any such taxing master, or any taxing master, shall, for any thing done or pretended to be to his office or employment under this Act, or under colour of doing relating to his said office or employment, wilfully demand or accept, or allow any person whatsoever to take for him or on his account account of any person by him named, any fee, gift, gratuity, or or any thing of value, other than what is allowed or directed to him under this Act, or any order made under this Act, the person so may, upon complaint made to the lord chancellor, be removed by him office or employment he may hold under this Act.

Persons employed under this Act not to practise as barristers, &c. Solicitors, &c., accepting office to be struck off the rolls.

VIII. And be it enacted, that from and after the thirtieth day of next after the passing of this Act no person, while he holds employment under this Act, shall practise as a barrister or as a solicitor an attorney; and that from and after the said thirtieth day of November solicitor or attorney who shall accept any office or employment which the roll of attornies of any of her Majesty's courts of record which his name may be.

Orders may be made for carrying this Act into execution. IX. AND be it enacted, that it shall be lawful for the lord such advice and consent as aforesaid, to make and issue such orthink fit for carrying the provisions of this Act into executionake and issue such other rules and orders, not being inconsist enactments and provisions of this Act, as he shall think fit, and settling the practice of the office hereby created, and attendance and holidays.

Orders under this Act may be annulled or varied, and new orders made. X. And be it enacted, that any order or orders for the timunder this Act may from time to time be annulled, altered, or like authority by which any such order or orders shall have benew orders may from time to time be made for any of the pu-Act by the respective authorities by which orders are hereby aumade.

Act not to affect other powers of lord chancellor. XI. PROVIDED always, and be it enacted, that nothing in this shall be construed to affect the general powers vested in the loc either solely or otherwise, under any former Act.

4 Geo. 4. c. 78. XIII. AND whereas by an Act passed in the fourth year of talete Majesty King George the Fourth, intituled "An Act to grassed in the Court of Chances" stamp duties on certain proceedings in the Court of Chances" equity side of the Court of Exchequer in Ireland," certain were, amongst others, imposed and are payable for and in respect of certificates of the masters in ordinary of the Court in Ireland, and, among others, for and in respect of certificates bills of costs upon the taxation thereof, which said stamp duties and made part of the consolidated fund of the United King Britain and Ireland: And whereas it is expedient that the same should be continued, and be payable and carried to the consolidated of the taxation of costs by the taxing master appointed in

it be made to appear to their satisfaction that such person is removed as aforesaid, and if they see fit, they may make and i under their hands and seals to remove such person forthwith at such union or parish.

III. AND be it enacted, that every person to whom any we pursuance of this Act shall be delivered for the purpose of being execution shall detain and hold in safe custody every poor per therein, until such poor person have arrived at the place to ordered to be removed, and shall for that purpose, in every conthrough which he may pass in the due execution of such war exercise the powers with which a constable is by law investanding such person may not otherwise be empowered to act for such county or place.

Expenses of removal incurred by guardians or overseers of certain parishes to be repaid out of county rate or borough fund.

Persons executing

warrants of

authority of

constables in every place through which

they pass.

removal to have the

> V. And be it enacted, that in the case of any parish not in containing a population exceeding thirty thousand persons ac last census published by the authority of Parliament, if the overseers on whose complaint such warrant of removal w or send to the clerk of the peace of the county or to the the borough in which such parish is situate such warrant of panied with an affidavit, sworn before some justice of the peace or borough, (who shall be authorized to administer the same,) of the expences bona fide incurred and paid by such guardians account of such removal under such warrant as aforesaid, and of the several items comprised in such amount, such clerk of lay the same before the justices of the peace assembled at the or adjournment thereof holden for such county next after he l same, and such town clerk shall lay the same before the council at their quarterly meeting held next after he has received the said justices and council of such borough respectively shall, if in force in regard to such removal have been duly complied amount of such expences to be paid out of the county rate county, or out of the borough fund of such borough, as the case

4 & 5 Will. 4. c. 76., and amending Acts, and this Act, to be construed as one Act.

Interpretation of certain terms.

Forms in schedule (C.) may be used in proceedings under this Act. VII. AND be it enacted, that the said Act of the fifth year King William the Fourth, "for the amendment and better a "the laws relating to the poor in England and Wales," and a and extend the same, and the present Act, except so far as t any former Act are altered, amended, or repealed by any subse be construed as one Act; and that in this Act, or any of the word "county" shall mean and include any county, division riding, or liberty, having a separate commission of the peace; Act the word "borough" shall mean any borough having a squarter sessions.

VIII. And be it enacted, that in all proceedings under this sufficient in the law to use, with such changes only as the firmay require, the forms contained in the schedule marked annexed, for the purposes in the titles to such forms respective

CHAPTER CXVIII.

An Acr to facilitate the Inclosure and Improvement of Common held in common, the Exchange of Lands, and the Division of Lands; to provide Remedies for defective or incomplete Exc for the Non-execution, of the Powers of general and local Included and to provide for the Revival of such Powers in certain case [8th A

HEREAS it is expedient to facilitate the inclosure and imcommons and other lands now subject to rights of probstruct cultivation and the productive employment of labour, and such exchanges of lands, and such divisions of lands intermixed into inconvenient parcels, as may be beneficial to the respective it is also expedient to provide remedies for the defective or incotion, and for the non-execution, of powers created by general a of inclosure, and to authorize the revival of such powers in Be it therefore enacted by the Queen's most excellent Majesty, by and

Appointment of commissioners.

Style of commissioners.

Common seal.

Evidence of awards, &c.

Awards, &c. to be of no force, unless sealed.

Commissioners to make annual reports;

"for England and Wales," and shall have their office in London of and they, or any two of them, may sit from time to time, expedient, as a board of commissioners for carrying this Act and the commissioners shall cause to be made a seal of the shall cause to be sealed therewith all awards and orders made the commissioners in pursuance of this Act; and all such award other instruments proceeding from the said board, or copies ing to be sealed with the seal of the said board, shall be recei without any further proof thereof; and no award or order sioners under the authority of this Act shall be of any force shall be sealed as aforesaid.

Power to summon witnesses, administer declarations, call for court rolls, &c.

Attendance of witnesses, &c. before valuers.

Proviso.

Commissioners may delegate powers to assistant commissioners.

Descriptions of land subject to be inclosed under this Act. Wales shall be open to the use and inspection of for England and Wales, or any person by them a of or extracts from such awards, apportionment maps as the commissioners shall require shall be purposes of this Act; and that the commissioner sioner may, by summons under the seal of the comn such assistant commissioner, require the attendance he may think fit to examine upon any matter r proposed inclosure or other proceeding under the also make any inquiries and call for any answer matter, and also administer or receive declarati persons upon declaration, and cause to be produce declaration, all court rolls, and all rate books, inst ment, and other public writings, maps, plans, and any parish, or copies thereof respectively, in any matter; and the commissioners may, when they under the seal of the commission, require the at acting in the matter of an inclosure under this Ac valuer may certify to the commissioners as person necessary for the matter of such inclosure, and caus valuer, upon declaration, all such court rolls, rate b plans, and surveys, or copies thereof, as aforesaid; a matter of an inclosure under this Act may also ad tions, and examine upon declaration all such person under such summons of the commissioners, and voluntarily attend before him as witnesses in sucl that no such person shall be required to attend summons unless the reasonable charges of his at paid or tendered to him; and no such person case, in obedience to any such summons, to travel the place of his abode.

X. And be it enacted, that the commissioners m commissioners, or to any one or more of them, s given to the commissioners as the commissioners power to confirm awards, or to do any act herein the seal of the commissioners,) and the power so under such regulations as the commissioners shall sioners may at any time recall or alter all or any aforesaid, and, notwithstanding the delegation the delegation had been made; and all acts done by sioner in pursuance of such delegated power shall if they had proceeded from the commissioners, and shall be punishable in like manner.

XI. AND be it enacted, that all such lands as a (that is to say,) all lands subject to any rights o whether such rights may be exercised or enjoyed exercised or enjoyed only during limited times, see ject to any suspension or restriction whatsoever in enjoyment thereof; all gated and stinted pastures the soil or of some part thereof is in the owners of

gates or stints, or any of them; and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates or other gates or stints, or any of them; all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate Parcels of the several owners of the soil shall or shall not be known by metes or bounds or otherwise distinguishable; all land in which the property or right of or to the vesture or herbage, or any part thereof, during the whole or any part of the year, or the property or right of or to the wood or underwood Stowing and to grow thereon, is separated from the property of the soil; and all lot meadows and other lands the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act.

XII. PROVIDED always, and be it enacted, that no waste land of any manor Wastes of on which the tenants of such manor have rights of common, nor any land whats over subject to rights of common which may be exercised at all times to indefinite of every year for cattle levant and couchant upon other land, or to any rights of come which may be exercised at all times of every year, and which shall I imited by number or stints, shall be inclosed under this Act without the previous authority of Parliament in each particular case, as herein-after provided: Provided also, that neither this Act, nor any thing which may be done lar or by virtue thereof, shall authorize to be made any embankment. or encroachment, without the consent of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, and, where the consent of any grantee of the office of the Admiralty, admiral or vice admiral might have been required by law if this Act had not been passed, the consent also of such grantee, in or upon the shore of any harbour, or the bank of any navigable river so far as the tide flows up the same, or shall give to or confer upon any person any right, title, estate, or interest to or in any such embankment, erection, or encroachment already made, other than what he may legally have at the time of the passing of this Act, or confer upon any person whatsoever any right, title, estate, or interest to land wherewhatsoever in any lands or soil whereon the tide of the sea flows and re-flows. flows.

XXIII.- PROVIDED also, and be it enacted, that no part of the New Forest New Forest in the county of Southampton, or of the forest of Dean in the county of Gloucester, shall be land subject to be inclosed under this Act.

XIV. PROVIDED also, and be it enacted, that no lands situate within fifteen Land within miles of the city of London, or within two miles of any city or town of ten thousand inhabitants, or within two miles and a half of any city or town of within twenty thousand inhabitants, or within three miles of any city or town of thirty thousand inhabitants, or within three miles and a half of any city or towns, not to town of seventy thousand inhabitants, or within four miles of any city or town without the of one hundred thousand inhabitants, shall be subject to be inclosed under the previous direction of provisions of this Act without the previous authority of Parliament in each Parliament in particular case, as herein-after provided; and in all such cases the number of each particular inhabitants shall be ascertained by the then last Parliamentary census thereof,

lands subject common rights not to be inclosed without previous direction of l'arliament. Embankments, &c. not to be made on shores of harbours. &c. without the consent of

No person to and Forest of Dean excepted.

15 miles of London, or certain dis-tances of large be inclosed

Is Section 13, so far as relates to the portions of the Forest of Dean called Walmore Common in the parish of Westbury on Severn, and the Bearce Common in the parish of St. Briavel's, is rep., 29 & 30 Vict. c. 70. s. 1.]

Distances how to be measured.

Village greens not to be inclosed: but on inclosure of lands in parish village green may be allotted as ground for exercise, &c. and provision made for fencing, &c. either in addition to or in substitution for other ground to be allotted for that purpose.

Commissioners shall set out boundaries greens and lands subject to be inclosed.

Persons interested in lands for purposes of applications, &c.

and that the distance shall be measured in a di if there shall be any town hall, or if there shall b cathedral or church, if there shall be only one chi churches than one then from the principal market

XV. And be it enacted, that no town green or to be inclosed under this Act; provided that in sure of lands in the parish in which such town situate shall be made under the authority of this commissioners, if they shall think fit, to direct t green, provided such green be of equal or gre churchwardens and overseers of the poor of suc same to be used for the purposes of exercise and be allotted and awarded accordingly, in like ma sions for making or maintaining the fences the thereof, and draining and levelling the same w herein-after directed concerning the allotments exercise and recreation; and such green may other land which may be allotted for the purp or, if the commissioners shall think it sufficient for other land which might have been require poses; and in every case in which such tow adjoin land subject to be inclosed under this A between village from such land by fences or known bounds, provisional order concerning such inclosure, such green and the adjoining land, and shall mention and describe such boundary.

XVI. And be it enacted, that for the pu interested in land subject to be inclosed und or to become subject to the provisions of thi persons herein-after mentioned, and no other who shall be in the actual possession or enjoy part thereof, or any common or common right auch land or any part thereof shall be waste receipt of the rents and profits of such la common right, or manor respectively, (except years, holding under a lease or agreement for less than two thirds of the clear yearly v therein shall have been reserved, and except holding under a lease or agreement for a lease exceeded fourteen years from the commen tenant from year to year at will or sufferance real amount of interest of such persons; and land, common, or common right, or manor, sh be leased to any person or persons for life or agreement for a lease on which a rent of not yearly value of the premises comprised ther in every case in which any such land, comr shall be in the possession of a tenant from or shall have been leased or agreed to be le

have exceeded fourteen years from the commencement thereof, the person who shall for the time being be entitled to the said land, common, or common right, or manor, in reversion immediately expectant on the term created or agreed to be created by such lease or agreement for a lease respectively, or subject to the tenancy from year to year at will or sufferance, shall be deemed for the pur-Poses of this Act to be the person interested as aforesaid in respect of such land, common, or common right, or manor; and in every case in which any such land, common, or common right, or manor, as aforesaid, shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease in which a rent less than two thirds of the clear Yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such land, commo por common right, or manor, be deemed for the purposes of this Act to be the eperson interested in respect of such land, common, or common right, or man respectively; and in every case in which any person shall be in nossessicon or enjoyment or receipt of the rents or profits of any such land, commo - or common right, or manor, under any sequestration, extent, elegit. writ of execution, or as a receiver under any order of a court of equity, the person who but for such writ or order would have been in possession, en yment, or receipt of the rents and profits, shall, jointly with the person possession, enjoyment, or receipt by virtue of such writ or order, be deemed for the purposes of this Act to be the person interested in respect of such land, common, or common right, or manor respectively.

XVII. AND be it enacted, that whenever her Majesty shall be interested in Where the land as aforesaid the first commissioner of her Majesty's woods, forests, land crown is interested, revenues, works, and buildings, for the time being, or in case her Majesty shall who shall be be so in terested in right of the duchy of Lancaster the chancellor of the duchy of Lancaster, shall for the purposes of this Act, and to the extent of such respective interest, be substituted for the person interested as aforesaid.

XVIII. And be it enacted, that whenever the duke of Cornwall shall be Where duke interested in land as aforesaid the lord warden of the Stannaries shall for the of Cornwall purposes of this Act, and to the extent of such interest, be substituted instead who shall be of the person interested as aforesaid.

is interested. substituted.

XIX. And be it enacted, that whenever an interest in land according to Provision for the provisions of this Act shall be vested in several persons as co-trustees or in persons jointly interested. joint tenancy, such persons shall for the purposes of this Act be considered as jointly interested, and entitled to one vote only in respect of their joint just terest; but any one or more of such persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act; and the majority number of any such persons may, notwithstanding any dissent of the imority, act or vote under this Act in the same manner as if all such persons had concurred; and whenever several persons as tenants in coparcenary Coparceners or in common shall be so interested, each coparcener or tenant in common and tenants shall for the purposes of this Act, and to the extent of the value of his respec-Live undivided share, be deemed separately interested and entitled to vote as if he were tenant in severalty.

In case of infants, lunatics, &c. their guardians, committees, &c. or in default, persons nominated by commissioners, shall be substituted.

Attornies may be appointed by persons interested.

Form of power of attorney.

Proportional value of interests of persons interested, how to be estimated. XX. And be it enacted, that whenever any persaforesaid shall be an infant, lunatic, idiot, feme collegal disability, or beyond the seas, the guardian, estate, husband, or attorney respectively, or in defarmay be nominated for that purpose by the commission hereby empowered to nominate under their hand purposes of this Act be substituted in the place of st

XXI. AND be it enacted, that it shall be lawful for any land subject to be inclosed under this Act, of become subject to the provisions of this Act, by a p writing under his hand, to appoint an agent to act f this Act; and all things which by this Act are or with relation to any such person may be I relation to the agent so duly authorized of such per shall have full power, in the name and on behalf concur in, and execute any application or act, to and to vote on any question arising out of the e every person shall be bound by the acts of any su authority committed to him, as fully as if the prin acted; and the power of attorney under which the a copy thereof, authenticated by the signature of a be deposited in the office of the commissioners attorney may be in the form following:

I , of

' for all the purposes of an Act passed in the ' of her present Majesty, intituled

XXII. PROVIDED always, and be it enacted, that the respective interests of the several persons inter be inclosed under this Act, or otherwise subject of provisions of this Act, shall, so far as relates to th cation, or to give any notice or consent, or to vote Act, be estimated as herein-after mentioned; (t interests shall be in respect of land or other ratea to the proportional sums at which such land o rated to the relief of the poor; and when their in rights of common enjoyed or claimed in respect of by numbers or stints, then according to the pre land in respect of which they enjoy or claim such rated to the relief of the poor; and in case such of rights in a gated or stinted pasture, or of other or stints, then according to the proportional numbers or stints; but in case such interests sha common in gross, not rated to the relief of th numbers or stints, or in case, from any other commissioners, or to the assistant commissioner for the purposes of this Act, impracticable to est in manner aforesaid, it shall be lawful for the co commissioner to direct in what manner such

estimated, regard being had to the circumstances of each particular case: Provided always, that in every case in which such assistant commissioner shall have directed in what manner such proportional value shall be estimated under the power herein-before contained he shall specially report to the commissioners the circumstances under which it shall have become necessary to exercise such power, and the directions he shall have given in the exercise $th_{\mathbf{ereof.}}$

XXIII. AND be it enacted, that the proportional value of the interest of the Proportional lord of a manor interested as lord in any land subject to be inclosed under this Act, or, in case there shall be several lords of a manor or lords of several estimated as manors so interested in any land subject to be inclosed under this Act, the commissioners proportional value of the respective interests of such lords, shall for the purposes aforesaid be estimated in such manner as the commissioners may direct.

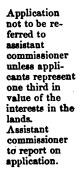
XXI AND be it enacted, that the commissioners shall frame, and cause to be prime ded and circulated as they shall see occasion, forms indicating the indicating particulars of the information to be furnished to the commissioners by persons information proposition to inclose land under the provisions of this Act, with reference to to be given the extent and nature of the land to be inclosed, to the mines, minerals, or by persons strata (if any) under the same, to the questions of boundary (if any). inclose, &c. concern a g such land, or such mines, minerals, or strata, to the numbers and occupations of the inhabitants of the parish or place, to its vicinity to or distance from any city or town or populous district, to the parties interested in the proposed inclosure, and the numbers who have assented to or dissented from the application, to the nature of the rights which require the intervention commissioners or the interference of Parliament, to the supposed advantages of the proposed inclosure, to the allotments (if any) proposed to be made for exercise and recreation and for the labouring poor, and to the allotment (if any) agreed on or proposed to be made to the lord of the manor, in case the lord of the manor shall be entitled to the soil of the land proposed to be inclosed, in respect of his right and interest therein, and such other information as in the judgment of the commissioners may assist them in forming an opinion on such application, and also such other forms as the commissioners may deem requisite or expedient for facilitating proceedings under this Act.

XXV. And be it enacted, that any persons interested in land subject to be Upon applicainclosed, and proposing to inclose the same under this Act, may make application to the commissioners, according to the form which may have been an assistant circulated as aforesaid by the commissioners, to commissioner certify in their annual general report the expediency of such inclosure, into the ; and in case the commissioners shall, on the state- expediency of ments contained in such application, think that the inclosure of such land, or inclosure, of some part thereof, may be found to be expedient, they shall refer such application to an assistant commissioner, who shall inspect the land proposed to be inclosed, and inquire into the correctness of the statements in such application, and otherwise into the expediency of the proposed inclosure; and such assistant commissioner shall hold a meeting or meetings, to hear any objections which may be made to the proposed inclosure, and any information or evidence which may be offered in relation thereto, and may adjourn such meetings respectively, and shall cause notice to be given on the church door of the parish in which the land proposed to be inclosed, or the greater part

interests of lords of estimated as

Commissioners to frame forms,

commissioners,



thereof, shall be situate, and also a like notice to be of the time and place of every such meeting, four every such meeting (meetings by adjournment only extheless, that it shall not be lawful for the commissionation to the assistant commissioner, nor for the take any further proceedings upon any such approach to appear to them or him respectively the application represent at least one third in value therein proposed to be inclosed.

XXVI. AND be it enacted, that the assistant application shall be referred shall report in writesult of his inquiries as to the statements con his opinion as to the expediency or inexpedient with the reasons for such opinion; and in case expedient he may specify any terms or condition to be proper for the protection of any public property or peculiar rights, in relation to the last shall annex to his report a map or sketch of the and in case he shall be of opinion that allotment for the labouring poor should be made in the shall show the place in which it shall appear to be made.

Commissioners, if they are of opinion that inclosure would be expedient, shall embody the conditions of the proposed inclosure in a provisional order;

XXVII. And be it enacted, that if on the i sioner, or after any further inquiries they sha thereto, the commissioners shall be of opinion health, comfort, and convenience of the inh villages, or populous places in or near any par to be inclosed, or any part thereof, shall be sit proprietors of the land to which such applica posed inclosure would be expedient, the com under their seal, shall set forth the terms and be of opinion that the inclosure should be ma and situation of the allotments (if any) which should be appropriated for the purposes of exlabouring poor, and, in case the lord of the in: of the land proposed to be inclosed, shall sp the residue of the land which, after provis expences, in case the expences shall, under tained, be so directed to be paid by sale of allotments to be made for public purposes, sho manor in respect of his right and interest in inclusively of his right or interest in all or an and other substrata under such land, or inclusi of pasturage which may have been usually enjo or any other right or interest of such lord in case may appear to the commissioners to requ with the approbation of the commissioners, ma shall be any mineral property, or any rights in the lord of the manor, or other rights which sh

Proper to be specially provided for upon such inclosure, or to be excepted from the operation thereof, shall specify the provisions or exceptions which should be made in that behalf; and the commissioners shall thereupon cause notice to be given of their intention. to certify in their annual general report the expediency of the proposed inclosure, but upon the terms and conditions in such order expressed, and in case the consents required by this Act should be given within the time in such notice specified, or within any enlarged time which the commissioners may allow for that purpose; and and deposit the commissioners shall cause to be deposited for inspection a copy of such inspection, Provisional order in the parish or place in which the land proposed to be and give diinclosed or some part thereof, shall be situate, and may, in case they shall taking contaking conthink fit, cause meetings to be holden by an assistant commissioner for the sents. Purpose of taking consents or dissents, or of ascertaining the interests of consenting or dissenting parties, or give such directions as to the mode of taking and ver z fying consents as they shall think fit; and in case it shall appear to If persons the satisfaction of the commissioners that persons the aggregate amount of two thirds of whose I not be less in the land proposed to be inclosed shall not be less in value the interest than two thirds of the whole interest in such land, and the other persons, if in the land consent, comany, where consents may be necessary under the provisions herein-after con-missioners shall tained, shall have consented to such inclosure, upon the terms and conditions in their next report certify rder expressed, then, , the commissioners shall that inclosure next annual general report certify their opinion that the proposed expedient. would be expedient, with such particulars in relation thereto, or to terms and conditions aforesaid, as they shall think necessary; _ : Provided always, that where the freemen, burgesses, As to consent or inhabitant householders of any city, borough, or town shall be entitled to of any city, &c. rights of common or other interests in the land proposed to be inclosed, the entitled to commissioners shall not certify the expediency of the proposed inclosure, or common proceed further under this Act, unless it shall appear to the commissioners that two thirds in number of such of the freemen and burgesses so entitled as may be resident in such city, borough, or town, or within seven miles thereof, or of such inhabitant householders, as the case may be, shall have consented to such inclosure, on the terms and conditions in their provisional order specified: and in case two thirds in number of such resident freemen and burgesses, or of such inhabitant householders, shall have so consented, such consent shall be deemed the consent of the class of freemen, burgesses, or inhabitant householders, as the case may be, so entitled.

XXVIII. And be it enacted, that when it shall appear to the commis- Where land sioners that land proposed to be inclosed under this Act shall be in part a consists of separate tracts. tract of open and common arable, meadow, or pasture lands or fields, and in subject to part a tract of common or waste lands subject to rights of common, or shall separate contherwise consist of separate and distinct tracts subject to separate and dis- sents shall be tiract rights or classes of rights, and the persons interested in one of such tracts each tract. shall not be all interested in the other of them, it shall be lawful for the comissioners to ascertain whether persons interested in each of such tracts whose interests shall not be less than two thirds in value of the whole interest therein shall consent to the proposed inclosure, on the terms and conditions in their provisional order specified; and in case it shall thereupon appear that such proportion in value of the persons interested in any such tract as afore-

said shall not have consented, the said commissioners shall r...certify in their annual general report the e. inclosure thereof, unless or until persons interested therein w not be less than two thirds shall have consented thereto.

XXIX. Provided always, and be it enacted, that when the such application shall relate shall be the waste of any man any manor to the soil of which the lord of such manor alwed right of his manor, then, unless there shall be more than on in such manor, according to the definition of this Act, shall not proceed to an inclosure on such application, or consequently report the expediency thereof, unless the person is subject to be inclosed as aforesaid in right of such manual than one person interested in such manor the commission to an inclosure, or certify as aforesaid the expedience persons, or the majority of such persons in respect of their dissent within the time limited by the commission

XXX. And be it enacted, that in the provisional ord concerning the inclosure under the provisions of this A any manor on which the tenants of such manor have : any other land subject to rights of common which times of the year for cattle levant and couchant, or to which may be exercised at all times of the year, as limited by number or stints, it shall be lawful for the co and in their provisional order to specify, as one of the such inclosure, the appropriation of an allotment for and recreation for the inhabitants of the neighbourl quantity herein-after mentioned applicable to each cas the land to be inclosed shall be situate in any parish according to the then last previous parliamentary ce exceed ten thousand persons, ten acres; where the lan situate in any parish the population of which accord amount to or exceed five thousand persons and be persons, eight acres; and where the land to be inclose parish the population of which according to such c exceed two thousand persons and be less than fi acres; and in every case, except as aforesaid, not exc in the provisional order for such inclosure the cor required the appropriation of an allotment for the recreation, the commissioners shall in their annus grounds on which they shall have abstained from re

XXXI. AND be it enacted, that in the provisic sioners concerning the inclosure under the provision land of any manor on which the tenants of a common, or of any land whatsoever subject to may be exercised at all times of the year for c aforesaid, or to any rights of common which may the year, and which shall not be limited by numbe for the commissioners to require and specify as on

Consent of the lord of the manor, where land proposed to be inclosed is waste of any manor, or land within any manor to the soil of which the lord is entitled in right of his manor.

Allotments for exercise and recreation may be required as conditions of inclosure.

If such allotments are not required, commissioners to state the reason in their report.

Allotments for labouring poor may be required as conditions of inclosure.

of such inclosure the appropriation of such an allotment for the labouring Poor as the commissioners shall think necessary, with reference to the circumstances of each particular case, such allotment, nevertheless, to be subject to a rent charge, to be payable thereout to any person or persons who may be entitled to allotments under such inclosure as herein-after provided; and if in the provisional order for such inclosure the commissioners shall not have required the appropriation of an allotment for the labouring poor, the commissioners shall in their annual general report state the grounds on which they shall have abstained from requiring such appropriation.

XXXII. And be it enacted, that in case by any Act of Parliament hereafter to be passed it shall be enacted that the inclosures the expediency of which shall have been certified by the commissioners in their annual general report as aforesaid, or any of them, be proceeded with, the same shall in every case be proceeded with and completed according to the provisions of this Act, and on the terms and conditions in the provisional order of the commissioners specific in that behalf; and every such Act of Parliament hereafter to be passed containing such enactment as aforesaid shall be deemed a public genera. I

XX III. And be it enacted, that as soon as conveniently may be after If Act be the passed directed ing an inclosure shall be directed ing an inclosure the course missioners shall call a meeting of the persons interested in the land to shall be called, he inclessed, of which twenty-one days notice shall be given by advertisement, to be beld for appointing a valuer to divide, set out, and allot such land, or so much the ereof as shall not be directed to be set out for public purposes, among the persons interested therein, and to set out, divide, and improve, in such manner as here in-after mentioned, so much thereof as shall be directed to be set out for purposes; and the commissioners, if they shall so think fit, may appoint an assistant commissioner to be present and to preside at such meeting, and to take the votes of the persons present thereat; and the persons, or their agents. present at the meeting, or the majority in number, and the majority in respect of interest, may appoint a valuer; and in case the majority in number and the majority in respect of interest shall not agree upon the appointment, then the commissioners shall appoint a valuer: Provided always, that no person shall in anywise act as an assistant commissioner in an inclosure under this Act, or be appointed a valuer, in such inclosure, who shall be interested in such inclosure. or shall be the agent ordinarily intrusted with the care, superintendence, or management of the estate of any person so interested.

XXXIV. AND be it enacted, that at the meeting for appointing a valuer, Meeting of or at some other meeting called by the commissioners for the purpose, the ested may persons present, by themselves or their agents, at such meeting, or the majority. resolve upon in number and in respect of interest of such persons, may resolve upon instructions to the valuer, not inconsistent with the terms and conditions of the prowisional order of the commissioners, and of any Act hereafter to be passed by which the inclosure may have been authorized, for the appropriation of parts for appropriaof the land proposed to be inclosed for such public purposes as herein-after tion of parts of mentioned, or any of them; that is to say, for the formation of public roads inclosed for and ways; for widening or improving existing public roads and ways; for a public pursupply of stone, gravel, or other materials for the repairs of the roads and ways

If such allotaents are not required. commissioners to state the reason in their . report.

Inclosures certified by commissioners to be proceeded with, on passing of Acts approving the same. Such Acts to be deemed public general

to be proceeded with, a meeting and set out

Appointment

for formation of roads, &c. for convenience of occupiers of allotments;

for use of plans, &c. of tithe commissioners, &c.;

and for raising expences;

and may make agreement with valuer as to his payment. Instructions and agreement to be submitted to commissioners; who shall allow, alter, or disallow the same.

In default or on disallowance of instructions or agreement. commissioners to frame instructions and fix payment of valuer.

within the parish in which such land shall be s such public drains, watercourses, or embankments the health and advantage of such parish or the ne tion or improvement of public ponds, wells, and of exercise and recreation for the inhabitants of t ments or field gardens for the labouring poor; poor or other inhabitants of such parish; for land enlarging any burying ground; for the site of any house, school, workhouse, or garden to be attached any other purpose of public utility or convenie venience or accommodation of the persons interest and also upon instructions to such valuer for improvement on the land to be inclosed of private ways, common ponds, ditches, watercourses, em and fences, or any of them, or any other works land, or for the convenience of the occupiers thereof; and also for the adoption and use, for t of a copy of any map or plan which shall have be and seal of the tithe commissioners of the land map or plan of the accuracy of which the inclo satisfied, or for making any new survey, map, o matters and things which may be proper to be inclosure; and also for the raising and payment such inclosure, either by sale of part of the land such rate as herein-after provided, as to the person or such majority as aforesaid, shall seem fit; and value as aforesaid may make any agreement wit of such valuer for the duties to be performed by such instructions, and such agreement (if any), s and shall be sent by the assistant commissioner ing, or otherwise by the chairman of the meeting sioners; and it shall be lawful for the commiss protection of the rights of all persons interested disallow such instructions, in whole or in part, therein or additions thereto, not inconsistent wit such provisional order and Act as aforesaid, an agreement, as they shall think proper; and in c been so resolved upon, and sent to the commisdisallow the instructions so resolved upon and s commissioners to frame such instructions as they sistent with the terms and conditions of such aforesaid; and in case no such agreement shall ment sent shall have been disallowed, it shall be to make such order for the payment of the value and a copy, under the seal of the commissioners, same shall have been allowed, altered, or framed to the valuer, with a copy of such provisional . as aforesaid; and the valuer shall in his observe and obey the directions and declaration Act, and instructions respectively.

XXXV. And be it enacted, that the said valuer, upon the hearing and determining of any contested claim or objection, or upon awarding any costs, as herein-after mentioned, shall, if he think proper, or if the persons interested shall in their instructions to the valuer so direct, be assisted by an assistant and the determinations of the said valuer as to all such contested claims and objections, and costs, shall be made pursuant to and in conformity with the decisions of such assessor: Provided nevertheless, that such assessor shall not interfere further in the execution of this Act than in settling what contested claims shall be allowed or disallowed, and what costs, if any, shall be allowed to or paid by any parties making or objecting to such claims.

Valuer may be assisted by an assistant commissioner, as assessor, in determining contested claims or objections, and awarding

XXXI. PROVIDED always, and be it enacted, that if the commissioners Alterations shall alter or add to the instructions to the valuer which shall have been structions to resolved upon at a meeting of the persons interested as aforesaid, or shall valuer by disallo many such instructions and frame other instructions in lieu thereof, the not to be commissioners shall cause to be deposited for inspection, as herein-before acted upon with respect to the provisional order, a copy of the instructions so tioned by a directec → s of the instructions so added to with the additions, or of the instrucaltered. Framed by the commissioners, as the case may be, and shall call a interested. tions so with fourteen days notice, of the persons interested as aforesaid, for meetingthe consideration thereof; and if such altered instructions, or such additions to the instructions so framed by the commissioners, as the case may be, shall not be approved by the majority in number and the majority in respect of interests of the persons present at such meeting or at some adjournment thereof, or at some other meeting of the persons interested as aforesaid, called with such notice as aforesaid, such inclosure shall not be proceeded with unless and until some instructions to the valuer, resolved upon or approved by the majority in number and the majority in respect of interests at some meeting of the persons interested as aforesaid, called with such notice as aforesaid, or at some adjournment thereof, shall be finally allowed by the commissioners.

XXXVII. AND be it enacted, that at the meeting for appointing a valuer, A surveyor or at some other meeting called by the commissioners for this purpose, it shall may be appointed by be lawful for the persons, or their agents, present at such meeting, or the the parties majority in number, and the majority in respect of interest, (if they shall so think fit. think fit,) to appoint a surveyor for the purposes of such inclosure, to assist or act under the directions of the valuer in the admeasurement, mapping, and setting out of the lands to be inclosed.

pointed where

XXXVIII. AND be it enacted, that no valuer shall be capable of acting until Declaration shall have made and subscribed, before the said commissioners, or some to be made by valuer. istant commissioner, justice of the peace, or master extraordinary in chancery, the following declaration; (that is to say,)

do solemnly declare, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, perform 11 the duties of a valuer in the inclosure of , according to the provisions of an Act passed in the year of the reign of her Majesty Queen Victoria, intituled

hich declaration it shall be lawful for the commissioners, or any assistant missioner, justice, or master extraordinary in chancery, to administer; an

every such declaration so made and subscribed shall person before whom the same shall have been made to the office of the commissioners; and a certific commissioners, that the person named in such certification valuer in the matter of an inclosure, and has made tion required by this Act, shall be conclusive evid and of his having made and subscribed such declars

Power to set out boundaries of parishes and manors.

> Appeal on questions of

boundary.

Determination of questions of boundary by

XXXIX. And be it enacted, that in case it s commissioners by the valuer acting in the matter boundaries of any parish or manor in which the la or any part thereof, shall be situate, and of any thereto, are not then sufficiently ascertained and lawful for the commissioners, or any assistant comfor that purpose, after giving such notices as they for the protection of the rights of all persons inter tain and set out the same respectively, in writin such assistant commissioner, or under the seal after the said boundaries shall be so ascertained a shall and are hereby declared to be the boundarie respectively; and the commissioners or assistan one calendar month after ascertaining and setting the same, by causing a description thereof in wr at the place of abode of one of the churchward each of the parishes of which the boundary shall of the several manors of which the boundary s stewards of the respective manors, and shall gir has been so set out, and that such description h advertisement: Provided always, that any pers tion of the commissioners or assistant com boundaries, who shall be dissatisfied with such calendar month next after the publication of the or leaving such description as aforesaid, give no faction to the commissioners, specifying the pa may be dissatisfied, and request that the mat to the determination of a jury; or any pers calendar month after such publication of the writing to the commissioners of such dissatis thereof, and of his intention to apply to th determination of the commissioners or assis into the said court; and in every case in which that the matter in dispute may be submitted: verdict of jury. aforesaid, and no notice shall have been giv person, within the time herein-before limited Court of Queen's Bench to remove the detern assistant commissioners, by certiorari, as afor not have been removed within the time herei shall and they are hereby required to issue a seal to the sheriff of the county in which t tion, or one of them, shall be situate, comm Juries subject to same regulations as if returned for any court at Westminster. Costs of determination by jury. ten pounds; all which said penalties and forfeit as penalties and forfeitures are recoverable und

XLI. And be it enacted, that every such shall also be subject to the same regulations, jury and jurymen had been returned for the transfer her Majesty's courts of record at Westminster.

XLII. And be it enacted, that in every case shall be given in favour of the person who sha be summoned, all the costs of summoning witnesses shall be defrayed by the commission inclosure in the matter of which the question and expences shall be settled and determine sioner as aforesaid; but if the verdict of the person, the said costs and expences shall be d case such costs and expences shall not be paid the same within ten days after the same shall same shall and may, by warrant of the com or persons whomsoever, be levied by distress have requested such jury to be summoned in ratepayers of any parish in vestry assembled by him shall be repaid to him by the oversee of the poor's rate, and shall be allowed in acc

XLIII. And be it enacted, that every pershall require a jury to be summoned as afore the commissioners shall be obliged to issue the such jury, enter into a bond, with two sufficient a sufficient penalty, to prosecute the commonsts and expences of summoning and return verdict, and of the summoning and attendances and expences shall fall upon them.

XLIV. And be it enacted, that any person of the said commissioners or assistant comm daries, who shall be dissatisfied with such de the time herein-before limited, have given writing of his intention to apply to the C before mentioned, may, within six calendar the said boundaries, move the Court of Q determination of the commissioners or ass into the said court, the party making such such notice of his intention as aforesaid) eight to the said commissioners; and in case of re the said court therein shall be final and conparish or manor; and after the expiration months the determination of the commission not be removed or removeable by certiorari, soever, into any of her Majesty's courts of re and no certiorari shall be allowed to remo party prosecuting the certiorari shall be fo recognizance before one of the justices of

Security for costs to be taken by the commissioners.

Persons dissatisfied with determination of commissioners as to boundaries may appeal to Coust of Queen's Bench within six months;

but not afterwards.

Appellant to enter into recognizance.

Delivery of objections to claims.

Claims to be heard and determined by valuer, subject to appeal to commissioners.

Valuer may

which may be levied by distress;

or recovered by action.

Valuer may pay certain expences. the delivery of objections to claims as the com stances of each inclosure shall think reasonable, direct, or in case no direction shall have been this behalf, then such time as the valuer shall the in any case than twenty-one days after such not every person who shall object to a claim shall o to the valuer, and also deliver a copy of su abode of the claimant or his agent, within th objections to claims as aforesaid; and no object received by the valuer after the time so limits to claims, unless for some special cause to be and after the time limited for the delivery of valuer shall cause fourteen days notice to be the meeting for the examination of such claim parties concerned therein; and at such meet examine into and determine such claims, and the same, in whole or in part, and make such appear just; and in case any doubts or difficu claims, or any differences shall happen betwee their respective claims, or the relative proport the valuer shall determine the same, and sha him shall appear just, which order shall be dissatisfied with the determination of the herein-after provided, of his desire to have determined by the commissioners or an assist commissioner shall think fit to revise such herein-after contained; and in case the value claim which shall have been objected to as at shall have been made to any claim, shall see be lawful for the valuer, upon application, t he shall think reasonable to be paid to determination shall have been made, and by tion shall have been disallowed; and in ca costs shall neglect or refuse to pay the same days thereafter, the valuer shall, by warrant any person or persons whomsoever, cause s and if there shall be no goods or chattels wh lawful for the persons in whose favour such the same by action of debt or on the case, i for the plaintiff to declare that the defend specified in the order of adjudication made of such order, without setting forth any Provided always, that the valuer may pay of the production of any writings, maps, pl where such witnesses shall attend, or su thereof, shall be produced before such valu information or guidance of the valuer, (a difference,) such last-mentioned expences expenses of the inclosure.

XLIX. PROVIDED also, and be it enacted, that nothing in this Act contained Titles not to shall extend to enable the valuer, or the commissioners, or any assistant commissioner, to determine the title of any lands, or to determine any right commissioners, between any parties contrary to the actual possession of any such party, commissioners. (except in cases of encroachment as herein-after mentioned,) but in case the valuer, or the commissioners or assistant commissioner, shall be of opinion against the rights of the party in possession, they or he shall forbear to make any determination thereupon until the possession shall have been given up by such party, or recovered from him in due course of law, or, where the circumstances shall admit, such valuer, or the commissioners or assistant commissioner, may declare what right is appendant or appurtenant to any land or hereditament, or otherwise declare by any sufficient description the rights of the owner for the time being of any land or hereditament, without declaring by name who may be the actual owner of such land or hereditament.

L. A ND be it enacted, that all encroachments and inclosures, other than Encroachments inclosures duly authorized by the custom of any manor of which such land years. shall be parcel, or otherwise according to law, which shall have been made by any person from or upon any part of the land proposed to be inclosed within twenty ears next before the first meeting for the examination of claims in the matter of the inclosure thereof, whether any amerciament, rent, or money payment or sacknowledgment shall or shall not have been paid or made in respect of the sea me, to or for the use of the lord of the soil or any other person, shall be dema cal parcel of the land subject to be inclosed, and shall be divided. allotted, and inclosed accordingly: Provided always, that in case, under the circums tences of any such encroachment or inclosures, it shall appear to the commissioners just or reasonable that rights or interests in the lands to be inclosed should be allowed to the persons in possession of such encroachments or inclosures, it shall be lawful for the commissioners, either in the instructions to the valuer, or by any subsequent order under their seal, to direct what rights and interests, either absolute or for any limited terms or estates, should be allowed in respect of such encroachments, and the valuer shall allow and declare such rights accordingly: Provided also, that it shall be lawful for the several persons who shall be in possession of any such encroachments or inclosures, or in the receipt of the rent thereof, at the time of the determination of claims under this Act, to take down or remove all such buildings, fences, and other erections as shall then be thereon, and to convert the materials thereof to their own use, within two calendar months after notice in writing signed by the valuer given to such respective persons, or posted on the church door; and in case any dispute or difference shall arise touching any such encroachments or inclosures, or as to the extent thereof, such dispute or difference shall be determined by the valuer.

LI. PROVIDED also, and be it enacted, that in case any such land shall have Land taken for been taken or used, at any time before such first meeting for the examination school-houses, of claims, for the erection of a school-house or the appurtenances thereto, or for charitable or other such purposes as in the opinion of the commissioners shall be charitable parochial or parochial purposes, such land so taken, or the erections made thereon, shall not to be not be taken or deemed to be of the nature of an encroachment within the meaning of this Act; but where such land shall have been so taken for the purposes aforesaid within twenty years next before such first meeting for the

examination of claims, it shall be lawful for the commappear just and desirable for the purposes of inclosure, be deemed parcel of the land subject to be inclosed, and inclosed accordingly, and that compensation be a possession thereof, or to trustees for the purposes for have been so taken or used, by adequate allotment inclosed.

LII. Provided always, and be it enacted, that a been inclosed from any land subject to be inclosed un twenty years next preceding the day of the first mee of claims in the matter of such inclosure, shall for the deemed and taken to be ancient inclosures, but not a common, or compensation or allotment for or in rewhich might be claimed in respect of ancient inclosures.

LIII. AND be it enacted, that all tofus, founds commonable messuages or cottages, shall, upon proof faction of the valuer acting in the matter of any messuages or cottages formerly stood thereon, be deer or cottages, and the respective proprietors thereof a compensation for the rights of common originally messuages or cottages were still standing.

LIV. AND be it enacted, that where any claim a common or other right which, in the judgment of sioners or assistant commissioner, could not be shall be made to the satisfaction of the valuer assistant commissioner, that there has been englaimed for the space of sixty years or upwards for the examination of claims in the matter of suc for the valuer, or the commissioners or assistant claims, in such and the same manner as if the been legally sustained and established.

LV. And be it enacted, that after the value mined all claims and objections which shall have an inclosure he shall cause a schedule of such cl determinations thereon, to be deposited, and to least, for the inspection of all persons interested within the parish in which the land to be inclose shall be situate, and shall cause notice to be gi parish, and by advertisement, of such deposit, such schedule to the commissioners, and shal information in relation thereto to the commissi in case any party dissatisfied with any determi shall, within thirty days next after notice by t said schedule, cause to be delivered to the con such dissatisfaction, and of the desire of such p so determined by the valuer heard and determi an assistant commissioner, or in case the comm tation of any persons interested in such inclosu by the valuer in relation to such schedule, be c

Encroachments of twenty years standing to be deemed ancient inclosures.

Rights in respect of tofts to be allowed.

Rights not sustainable in law to be allowed upon proof of sixty years usage.

Schedule of claims and objections, and of decisions by valuer thereon, to be made and deposited for inspection.

Claims,&c. may be reheard by commissioners or an assistant commissioner.

determinations of such valuer shall have been made without due consideration of the legal rights of the parties interested, or shall be erroneous, then and in any such case the commissioners shall forthwith give notice, in such manner as they shall think fit, appointing some convenient place and time for holding a meeting to hear and determine the claim or matter which shall be so desired to be reheard, or all or any of the claims or matters which shall be mentioned in the said schedule, as the commissioners shall think fit; and the commissioners, or any assistant commissioner specially empowered for that purpose, shall rehear and determine such claim or matter; and the determination of the commissioners or such assistant commissioner shall be final and conclusive, and shall be binding on the valuer acting in the matter of such inclosure, unless any party dissatisfied therewith shall try his right by an issue at law, as herein-efter provided.

Provided always, and be it enacted, that if any person claiming to be interested in any land proposed to be inclosed under this Act shall be dissatisfied with any determination of the commissioners or assistant commissioner concernations any claim or interest in or to the land proposed to be inclosed under the powers herein-before contained, and shall cause notice in writing of such dissatisfaction to be delivered to the commissioners within thirty days next after notice of such determination shall have been given to the several parties persons specially interested, if any such there be, it shall be lawful person so dissatisfied, and giving such notice as aforesaid, to bring an action a poon a feigned issue against the person in whose favour such determination sall have been made, or against the commissioners, and to proceed to a trial a Law at the then next assizes, or at the assizes immediately following such next assizes, to be holden for the county wherein the land relating to which such dispute shall arise shall be situate; and the defendant in such action sheall, upon being served with the usual process therein, appear thereto, and accept one or more issue or issues, whereby such claim, and the right and interest thereby insisted upon, may be tried and determined, such issue to be settled by the proper officer of the court in which the said action shall be commenced, in case the parties shall differ about the same; and the verdict given upon the trial of such action shall be binding and conclusive upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had; and after such verdict shall be given, and final judgment obtained thereon, the commissioners shall act in conformity thereto, and allow or disallow the claim thereby determined, according to the event of such trial; and the costs attending any such action shall abide the event of the trial.

LVII. Provided always, and be it enacted, that if no such notice of dis- Decision satisfaction shall be given, or if no such action at law shall be commenced as aforesaid, or if any such action shall be commenced, and the plaintiff therein not appealed shall not proceed to trial within the time herein-before limited for that purappeal not pose, unless the court for sufficient cause put off the trial, then the determina. prosecuted, tion of the said commissioners or assistant commissioner shall be final and clusive. conclusive.

LVIII. AND be it enacted, that if any person, plaintiff or defendant in any Actions not action to be brought as aforesaid, shall die pending the same, such action shall to abate by not abate by reason thereof, but may be proceeded in as if no such event had parties.

Decision of commissioner &c. to be final, unless any party tries his right by an issue at law.

Appeal against decision of commissioners or assistant commissioner

Proceedings where either party dies before action. happened, the heir or devisee, or other person entitle deceased party in the matter in question, being ser action; and if any person in whose favour such det shall have been made, and against whom any such brought if living, shall die before any action brought, person who might have brought such action to bring so limited as aforesaid, against such person as if act the commissioners with process for commencing st manner as the deceased person might have been se and it shall thereupon be incumbent on the commiss process the heir or devisee or personal representative other the person who shall claim the benefit of such and on such process being served such heir or devis tive, or other person, shall appear and defend such person so dead, and proceedings shall be had therei such person had been living, and the rights, interest shall be equally bound by the event of any action as aforesaid as if the death of any of the persons occurred.

Commissioners or assistant commissioner may award costs;

which may be levied by distress;

or recovered by action.

Differences may be submitted to arbitration.

Commissioners may require security for costs.

LIX. AND be it enacted, that in case the con commissioner appointed to hear and determine a suance of this Act, shall see cause to award any co commissioners or assistant commissioner, upon award such costs as they or he shall think reason in whose favour any determination of the commi sioner shall have been made, and by the person v have been disallowed; and in case any person neglect or refuse to pay the same upon demand, after, the commissioners or assistant commission to any person or persons whomsoever, cause such and if there shall be no goods and chattels whe be lawful for the person in whose favour such con the same by action of debt or on the case, in wh for the plaintiff to declare that the defendant specified in the order of adjudication made by commissioner, and in consequence of such or other proceedings under this Act.

LX. Provided always, and be it enacted, the before authorized to bring an action upon a against whom such action might be brought, the matter in dispute or difference to the arbitrators and umpire, it shall be lawful for such in dispute accordingly, and such submission decision thereupon shall be binding on both parand the costs of such arbitration shall abide the may require each of the persons in difference arbitration to give such security for the paymention as the commissioners shall think fit.

LXI. AND be it enacted, that it shall be lawful for the valuer acting in the matter of any inclosure to set out and make such common ponds, ditches, Watercourses, embankments, tunnels, and bridges, of such extent and form, and courses, &c. in such situations, as he shall deem necessary, and as shall not be inconsistent with the terms and conditions and instructions herein-before mentioned, in the land to be inclosed, and also to enlarge, cleanse, or alter the course of and improve any of the existing ditches or watercourses, embankments, tunnels, or bridges, as well in and over the same land as also in any ancient inclosures or other lands in the parish or respective parishes in which the land to be inclosed may be situate, as the valuer shall deem necessary, making such satisfaction to the proprietors of such ancient inclosures or lands, for the damage done thereby, as the valuer shall think just; and the expence of making and Expence of making, &c. enlarging, altering, and cleansing such ponds, ditches, watercourses, embankments, tunnels, and bridges, when the same shall be first done in pursuance of taining such this Act, if not otherwise provided for, shall be raised and paid in the same manner as the other expences of the inclosure; but all such ponds, ditches, Watercourses, embankments, tunnels, and bridges shall at all times afterwards be reperimed, cleansed, and maintained by such persons and in such manner as the valuer shall direct; provided that no watercourse be diverted or turned without the consent in writing of the person interested in the land from which the same may be diverted, and of the person interested in the lands into which the same may be turned, or to the prejudice of any person interested in such water rse, except with his consent in writing; and that no ditch or waterembankment, tunnel, or bridge, be enlarged or altered on any land other the an the land to be inclosed, without the consent in writing of the person in terested in such land.

LXIII. AND be it enacted, that in the first place the valuer acting in the Power to matter of any inclosure shall and may, before he shall proceed to make any of the divisions and allotments of the land to be inclosed, in pursuance of or in any manner not inconsistent with the instructions given to such valuer as aforesaid, set out and make public roads and ways, and widen public roads and ways, in or over the land to be inclosed, and stop up, divert, or alter any of the roads or ways passing through the land to be inclosed, or through any old inclosures in the parish or respective parishes in which the land to be inclosed shall be situate; and the soil of such of the roads and ways so to be discontinued and stopped up as pass through the lands to be inclosed shall be deemed part of the lands to be inclosed: Provided always, that nothing herein con- As to turnpike tained shall authorize the altering or diverting any turnpike road, unless the consent of the majority of the trustees of such turnpike road, assembled at a public meeting called for that purpose, be first obtained: Provided also, that before any public road or way shall be discontinued, diverted, stopped up, or altered by the valuer acting in the matter of any inclosure, the valuer shall cause to be affixed at each end of such road or way a notice to the effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the case may be, from and after a day to be mentioned in such notice; and the waluer shall also cause the same notice to be given by advertisement for four successive weeks, and also on the church door on the four Sundays of the said four successive weeks; and after the said several notices shall have been so given such road or way shall, from and after the day in such notice

up, divert, or

mentioned, be deemed to be discontinued, sto as the case may be, subject, however, to sumentioned.

Appeal to quarter sessions. LXIII. And be it enacted, that it shall below months after the first Sunday on which such in the church door of the intention that such road stopped up, diverted, or altered, as the case in thereof, by appeal to the justices of the peace county, riding, division, or other jurisdiction is the greater part thereof, shall be situate, upon days notice in writing of such appeal, together the grounds thereof; but it shall not be lawful in support of such appeal unless such notice a given as aforesaid, nor on any hearing of any other grounds of appeal than those set for said.

Trial of appeal.

LXIV. And be it enacted, that in case of su quarter sessions shall, for the purpose of de road or way shall be discontinued, stopped up, the party appealing would be thereby injured twelve disinterested men out of the persons re such quarter sessions; and if after hearing th the said jury shall return a verdict that such may beneficially to the public be discontinued and that the party appealing would not be in the said court shall dismiss such appeal, and s the said appeal to be paid by the appellant to recoverable in the same manner as any penalti under this Act; but if the said jury shall retur is not unnecessary, and that the same could n discontinued, stopped up, diverted, or alter would be injured or aggrieved thereby, the se and such public road or way shall not be dis or altered, or in case the same shall have diverted, or altered, the said court shall make its original state, and shall award to the ap such appeal, and such costs shall be paid by to be raised for the expences of the inclosure case in which any such appeal as aforesaid sl the highways of any parish or place, under the such parish in vestry assembled, or, where th such place, under the direction of the inha rates assembled at any meeting of which fou given by advertisement and on the church shall be dismissed, the costs of prosecuting s shall be awarded to be paid by the appellant

Costs of appeal by surveyor of highways.

Public carriage roads to be fenced.

LXV. AND be it enacted, that such public aforesaid shall be well and sufficiently fence

the highway rate of such parish or place.

persons interested in the land to be inclosed, and within such time, as the valuer acting in the matter of such inclosure shall direct; and the valuer shall form and complete such parts of the said public roads and ways as shall be newly made; and every such public road and way to be set out and made Width of under this Act shall be of the width required by the Act of the sixth year of public roads. King William the Fourth, intituled "An Act to consolidate and amend the 5 & 6 Will. 4. "laws relating to highways in that part of Great Britain called England," for a road or way of the like description which may be dedicated to the use of the Public.

LXVI. AND be it enacted, that the expences attending the purchasing of Expences of the soil of all such public roads and ways as aforesaid, and the making, the altering public stopping up, discontinuing, diverting, widening, and altering of such roads and roads. ways, and the money compensation in respect thereof, upon any inclosure, shall be paid in such manner as the expences of such inclosure shall be directed to be **pa**id.

LX VIII. AND be it enacted, that when and so soon as two or more of her Public roads Majest s justices of the peace for the county, riding, division, or jurisdiction to be repaired in which the lands to be inclosed shall be situate shall certify any of the roads in public and ways to be set out in pursuance of this Act on any inclosure the parish, sufficiently formed and completed, such roads shall thenceforth be of completion kept i repair by such persons and in such manner as the public roads the said parish are or ought by law to be kept in repair; and every such ce - Lificate shall, at the quarter sessions of the peace to be holden for the said contact, riding, division, or jurisdiction next after the date thereof, be filed of record by the clerk of the peace.

as other public after certificate

LXV III. And be it enacted, that the valuer acting in the matter of any Private roads. inclosure shall and may set out such private or occupation roads and ways through the lands to be inclosed as he shall think requisite, for the use of the persons interested in such lands or any of them; and any expences which the Expences of valuer way incur relative to the setting out or formation or completion of such making and roads and ways, or any of them, shall, unless the valuer shall other-the same. wise direct, be paid in the same manner as the other expences of the inclosure; and such expences of the formation and completion of such private roads and ways as the valuer shall direct shall be borne by, and after the formation and completion of such private roads and ways the same shall be maintained and kept in repair by and at the expence of the owners and proprietors for the time being of the land inclosed, or such of them, and in such shares and proportions, and in such manner, as the valuer shall direct; and after such private roads and ways shall have been set out and made the grass and herbage arising thereon shall for ever belong to and be for the use of such persons interested in the lands to be inclosed as the valuer shall direct, and in the absence of such direction shall belong to the proprietors of the land to be inclosed which shall next adjoin the said roads and ways on either side thereof as far as the crown of the road; and after such setting out as aforesaid all private or occupation roads or ways over, through, and upon the lands to be inclosed which shall not be set out as aforesaid shall be for ever stopped up and extinguished.

LXIX. And be it enacted, that it shall be lawful for the valuer acting in Rights of the matter of any inclosure; before the making of the award, when the com-

inclosed may be suspended before making the award.

Cattle depastured after such suspension may be impounded. missioners shall think necessary for the purpose under their seal authorize or direct, by notice of or any part of the rights of sheepwalk, common land to be inclosed, or any part thereof, to be ex the exercise thereof to be suspended during suc such notice, and from the time mentioned in such extinguished or suspended accordingly; and if the extinguishment of any such rights of shee as aforesaid, any person shall permit his horses, depasture upon any of the lands over which suc extinguished, it shall be lawful for the valuer inclosure, or any other person by his order, (hand,) or any of the persons interested in su thereof, to distrain such horses, cattle, sheep, or contrary to such order, and to impound the sam shall pay to the person so distraining such sum by writing under his hand have previously or lings for each horse or head of cattle, and five sh so distrained; and in case the same shall not be the same shall have been impounded the valuer the same by way of penalty, as herein-after men

Course of husbandry may be directed.

LXX. And be it enacted, that it shall be law! matter of any inclosure, at such time as he sha church door, to direct the course of husbandry as that shall be observed upon the land to be inclo inclosure thereof shall be completed, as well wi ploughing, sowing, fallowing, manuring, and tillin feeding of the commonable lands and fallows o to direct such recompence to be made as he sl injured by such directions, all which direction parties interested, their farmers and tenants; an pecuniary penalties on every person not conform shall think necessary, not exceeding the sum of case of cross-cropping, or withholding from th manure, or ten pounds in any other case, for a determine, in all cases where the tenant is entitl the manure arising from the lands in his occup sum of money such tenant shall be compensated given up by him; and such penalties and ot recovered in the same manner as by this Act penalties.

Compensation for growing crops, &c. LXXI. AND be it enacted, that the valuer inclosure shall by writing under his hand order shall be made to the owner of any crops growing or lease, or according to the customary mode of in which the land to be inclosed shall be situate, of the division, allotment, and inclosure, for the whom the land on which such crops are growing what recompence in money shall be paid, and

occupier of land, as well for the ploughing, tilling, cultivating, manuring, or folding any land to be inclosed, for the benefit accruing thereby to the Person to whom such land shall be allotted, or for any loss or disadvantage which any tenant or occupier may sustain by the loss of his following or waygoing crops upon the land to be inclosed; and if in any of the said cases the money to be paid for such recompence be not paid at the time and in the manner ordered by the valuer, then the same may be recovered by the person entitled thereto, from the person liable to pay the same, in the same manner as penalties and forfeitures are recoverable under this Act.

LXXII. And be it enacted, that the valuer acting in the matter of any Allotments for repair of inclosure shall allot to the surveyor of the highways for the time being of roads. the parish in which the land proposed to be inclosed, or any part thereof, shall be situate, and to his successors for ever, such part of the land proposed to be inclosed as by the instructions given to such valuer shall have been directed to be appropriated for supplying stone, gravel, or other materials for the repairs of roads and ways, as aforesaid, or in case no such instructions shall have been given in this behalf, and the valuer shall think an allotment necessary for the Purposes aforesaid, such part as the valuer shall think fit; and such allotments shall be inclosed and fenced as the valuer shall direct, and shall from the confirmation of the award be vested in the surveyor of the highways within the said parish for the time being, in trust for the purposes aforesaid; and the grass and herbage of such allotments shall belong to such persons as by the valuer shall be directed, and if he shall make no such direction then such surveyor shall fix m time to time let any such allotment, reserving the right to get and take a ve such stone, gravel, and other materials when and as he shall think fit, for the most money that can be obtained for the same, and shall apply the rents and profits towards the repairs of the public roads or highways within the said parish; and the said surveyor shall account for such rents and profits in the same manner as he is by law accountable for other monies that shall come to his bands in the capacity of surveyor of the highways, and shall be subject to the like penalties for the neglect thereof.

LXX III. And be it enacted, that the valuer acting in the matter of any Allotments inclosure shall and may, in pursuance of the directions of or in any manner for places of not inconsistent with the directions of the provisional order of the commis-recreation; sioners, or any Act hereafter to be passed, or the instructions given to such galuer as aforesaid, set out and allot such part of the lands to be inclosed as by such provisional order or Act or instructions respectively shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood; and such allotment shall, unless the same shall be otherwise awarded under the provision herein-after contained, be made and awarded to the churchwardens and overseers for the time being of the parish in which the same shall be situated, and shall be held by the churchwardens and overseers for the time being of the said parish for the purposes aforesaid, and shall be in the first instance fenced, and, where occasion shall require, drained and levelled by the valuer, the expence in such case to be considered part of the expences of the inclosure, or shall be fenced by any person to whom adjoining land shall be allotted, as the valuer may direct; and the fences of such allotment shall for ever afterwards be repaired and maintained, and the surface thereof kept drained and level, by such

for labouring poor;

and for other public purposes. churchwardens and overseers, or by the churchwar several parishes interested therein, in such proporti directed by the valuer, out of the rents to be rece said allotment, or out of the poor rate of the said par otherwise; and the grass and herbage growing upon time to time let by the churchwardens and oversee be vested, and the rents which shall be received by by them from time to time applied in the first repairing the fences of the said allotment, and l drained and level, as aforesaid, and subject thereto repair of the public highways in the said parish the valuer shall in like manner set out and allot inclosed as by such provisional order or act or ins have been directed to be appropriated as an allot unto the churchwardens and overseers of the poor allotment shall be situate, subject nevertheless to thereout to any person or persons who may be e such inclosure, as herein-after provided; and the manner, in pursuance of the directions of or in a with the directions of such provisional order or I said, set out and allot, for the other public purpo visional order or Act or instructions as aforesaid, s inclosed as shall have been thereby respectively of such purposes, and such allotments shall be made with such regulations and provisions as to the fer enjoyment thereof respectively, as the valuer, w commissioners, shall direct; and in every case in approbation of the commissioners, shall not think direct the same to be otherwise made, such allot churchwardens and overseers of the poor for the which such allotments shall be situate; and all allo to the churchwardens and overseers under this churchwardens and overseers of the poor for the tir and with the same legal powers and incidents as i lands belonging to the parish, but in trust never which the same shall be allotted, and subject, as t labouring poor, to the provisions in relation the and, as to all other such allotments, subject to such ance, fencing, management, and use thereof as the of the commissioners, may think fit.

Allotments for exercise and recreation may be allotted to individuals entitled to allotments, who shall be bound to maintain and permit the same to be used, and subject thereto

LXXIV. PROVIDED always, and be it enacted, to valuer, with the approbation of the commissioner land as shall be appropriated as a place of exercise to any person entitled to an allotment under to consent to receive the same in full or in part of his to whom the land so to be appropriated shall be all thereof, shall, unless it shall be otherwise directed the obligation of maintaining the fences of such surface thereof in good condition, and of permitted.

VOL. IX.

times used for exercise and recreation by the inhabitants of the parish and shall be entitled to the neighbourhood, and, subject to such obligations, the herbage of such land shall herbage. belong to the person to whom such land shall be so allotted.

LXXV. AND be it enacted, that every allotment which shall be made and Allotments for the labouring awarded for the labouring poor may be so awarded subject to and chargeable poor may be With a clear rent-charge or clear rent-charges, not exceeding in the whole the made subject net annual value of the allotment in its actual condition at the time of making rent-charge, the same; and every such rent-charge shall be deemed at the time of the confirmation of the award to be of the value of such number of imperial bushels, as a tithe and decimal parts of an imperial bushel, of wheat, barley, and oats, as the same rent-charge. would have purchased at the average prices during the seven years ending on the Thursday next before Christmas Day one thousand eight hundred and thirty-five, as the same were ascertained by the advertisement inserted in the London Gazette under the provisions of the Act of the seventh year of King William the Fourth, intituled "An Act for the commutation of tithes in 6 & 7 Will. 4. England and Wales," in case one third part of such rent-charge had been c. 71. invested in the purchase of wheat, one third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats, and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the a ward; and every such rent-charge shall be paid by equal half-yearly payments on the first day of July and the first day of January, the first of such half—yearly payments to be made on the first of such half-yearly days expiration of three years from the date of the confirmation of such award; and such sum of money shall be payable in respect of such yearly rent-charge as according to the prices ascertained by the then next preceding advertise and ent for the purposes of the said Act of the seventh year of King William the Fourth would have been payable in respect of a rent-charge of like amount charged on lands under the provisions of such Act; and the sum of money thenceforth payable in respect of such rent-charge charged under the provisions of this Act shall vary so as always to consist of the price of such number of bushels, and decimal parts of a bushel, of wheat, barley, and oats respectively, according to the next preceding advertisement for the time being, in like manner as if the same had been a rent payable under the provisions of the said Act of the seventh year of King William the Fourth; and the persons entitled to any rent-charge charged under the provisions of this Act shall have the same powers and remedies for enforcing payment thereof, in all respects, as are by the said Act of the seventh year of King William the Fourth, or by any Act for amending the same, given to the persons entitled to rent-charges charged under the said Act of the seventh year of King William the Fourth for recovering and enforcing payment of such last-mentioned rentcharges; and nothing herein or in such award contained shall render any person personally liable to the payment of any rent-charges to be charged nander the provisions of this Act: Provided always, that when such allotment, or any part thereof, shall be let and occupied as gardens under the provisions herein-after contained, the person for the time being entitled to the rent-charge charged thereon shall not distrain for such rent-charge on the occupiers of such gardens, but the person so entitled may, in case such rent-charge shall be in sarrear, give notice to the occupiers of such gardens, and to the allotment wardens, or any of them, and shall thenceforth, until the arrears of such rent-

to a corn

charge, with all expences occasioned by the nonpa paid, be entitled to receive all the rent which after respect of such gardens, and shall have the same rent, and the same powers of determining the te of letting and dealing with such allotment, as s have had in case such rent-charge had not been it allotment wardens, or any of them, after such no them as aforesaid, and before the arrears of su expences as aforesaid, shall have been fully paid the occupiers of such gardens, such of the allo received such rent shall, on demand, pay to the the arrears of the said rent-charge then remai occasioned by the nonpayment thereof; and in demand, such arrears of rent-charge and expend allotment wardens liable to pay the same, as I this Act.

Allotment to the lord of the manor, in lieu of his right and interest in the soil.

Reservation of rights of lord to get minerals, &c.

LXXVI. And be it enacted, that after the se directed shall have been set out and made, and payment of the expences by sale of land, in directed to be paid, the valuer acting in the ma and award unto the lord of the manor so much posed to be inclosed as shall in the judgment of and value considered) to such a part of the re proportioned to his right or interest therein, ac provisional order of the commissioners, in lieu soil of the said land, exclusive of any other all such lord in lieu of or in satisfaction for any land to which he may be entitled, and which the estimate in such provisional order of his r shall have been declared by such provisional o the lord has been estimated exclusively of his of the mines, minerals, stone, and other substra then the valuer shall and may, on the request award to the lord such rights and easements carrying away such mines, minerals, stone, or have been included in such estimate of his ri provisions for compensation for damage to exercise of such rights and easements, as by of the commissioners, shall be thought reaso sistent as to the terms of such provisional ord

Allotment of residue.

LXXVII. And be it enacted, that after the directed shall have been set out and made, as or any part of the expences of the inclosure because of the expences shall be so directed to matter of the inclosure shall divide, allot, and land to be inclosed unto and amongst the rested therein, in such shares and proportions to be proportionate to the value of their rest

shall have been claimed and allowed under the provisions herein-before contained.

LXXVIII. AND be it enacted, that where any allotments shall be made for the labouring poor, under the provisions berein-before contained, subject to any rent-charge or rent-charges, such rent-charge or rent-charges may be allotted to any person or persons who may elect to receive the same in full or in part of his or their allotment or allotments, and in case no person shall so elect to receive the same, then to such persons and in such shares as the valuer may think convenient, for the purpose of equalizing allotments or otherwise; and it shall be lawful for the valuer, for the purposes of allotment under this clause, to estimate the value in fee simple of every such rent-charge to be four fifths only of the value of an allotment of land equal in net annual value to such rent-charge.

The rentcharges pay able out of allotments for the labouring poor to be allotted to persons entitled to allotments. Value of rent-charge how to be estimated.

LXXIX. And be it enacted, that when any person to whom any allotment separate made or land assigned in exchange by virtue of this Act shall hold to be made such land, or the land in respect of which such allotment or exchange is made, in respect of separate title under different titles or for different estates, and, as to copyhold or customary land, by separate quit rents, the valuer in the matter of the inclosure shall ascertain and distinguish the land held for each of such estates and under each tles respectively, and shall accordingly set out distinct and several allotments for such respective lands, and distinguish the several estates holden by several and distinct quit rents.

LXX AND be it enacted, that in case any number of the persons interested in the land to be inclosed shall desire to have their allotments thrown together - and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the valuer acting in the imclosure, such valuer shall set out the several allotments of such persons so giving notice as aforesaid by metes and bounds, but in one parcel of land, and without requiring them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary, or as the valuer may direct to be made, for dividing the said parcel of land from the residue of the land so to be inclosed.

allotments may by consent be thrown together, and set out by metes and bounds, without being subdivided by

TXXXI. Provided always, and be it enacted, that it shall not be lawful for the said valuer to allot to any other person than the proprietor thereof any land (other than encroachments and inclosures not authorized by law made within twenty years next before the first meeting for the examination of claims as aforesaid) which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any agreement between the proprietor thereof and the persons having right of common over the same, without the consent in writing of such proprietor.

LXXXII. And be it enacted, that the valuer, in making the several allotments hereby directed, shall have due regard as well to the situation of the respective houses or homesteads of the persons interested in the land to be inclosed as to the quantity and quality of the land to be allotted to them respectively, so far as may be consistent with the general convenience of such persons, and that such valuer in making the said allotments shall have particular the conve regard to the convenience of the persons interested in respect of the smallest persons having estates in the land subject to be inclosed under this Act.

Cultivated buildings, and inclosed land, (other than encroachments within 20 years,) not to be allotted to any other person than the proprietor, without his consent. Regard to be had to the situation of the homesteads of the persons interested, and especially to nience of the the smallest estates.

Allotments to be fenced at expence of allottees.

Contribution by allottees not required to make a fair proportion of the fences.

If interest in land to be inclosed is sold before allotment is made, the valuer shall make the allotment to the purchaser.

Rights to allotments may be devised, &c.

Estates may be sold, and rights to allotments retained.

Allotments to be made to representatives of parties dying.

LXXXIII. And be it enacted, that the several the allotments to the surveyor and churchwards and the other allotments for public purposes, fenced, at the expence of the respective person allotted, in such manner and within such times the fences so to be made shall for ever afterward by such persons as the valuer shall direct; and any other circumstance it shall happen that a ment shall be made shall not have a fair propor fences assigned to him to make, it shall be law matter of any inclosure to ascertain and appoint contributed by such person towards making the of the allotments of such other persons as shall too great a proportion thereof; and such mone and in such manner as by the valuer shall be recovered in the same manner as penalties or f

LXXXIV. AND be it enacted, that if at any have been made by the valuer any person shall land to be inclosed, or any part thereof, to any such sale being certified to him in writing by of land to the purchaser, or to his heirs or ass interest so sold; and every such purchaser, or the confirmation of the award hold and enjoy t in such manner as the vendor might or ought had not been made; and it shall be lawful for to any allotment under this Act to devise, of assure the same allotment, or all or any part time before the confirmation of the award; and surrender, and assurance shall be of the same made after the confirmation of the said award person entitled to any allotment to sell, disp right of which he may be entitled to such allo ing to himself such allotment, or the right th required to award such allotment accordingly.

LXXXV. AND be it enacted, that if any punder this Act shall die before the same powers and authorities hereby vested in the missioner, and valuer shall not be thereby deshall proceed in the execution of such power as they might have done in case such person which might have been made to the person sperson as by the law shall become entitled to and fenced by such party according to the direct and he shall be liable to the charges and experinclosure.

Old inclosures, or lands holden in severalty, or otherwise not LXXXVI. AND be it enacted, that it shall in the matter of any inclosure, with the consterested in any old inclosed lands, or lands h Meeting of persons so entitled, for giving instructions to valuer as to occupation, management, or sale of such allotments.

Instructions by commissioners on default of meeting, &c.

Allotments not to be sold except in pursuance of resolution of meeting.

Partitions may be made of allotments to persons interested in undivided shares.

Costs of partition.

of the interest and annual produce of such invest benefit of the persons who would have been entite part thereof so sold, in case the same had not be shall approve, and by the final award in the materials.

LXXXIX. Provided also, and be it enacted, class of persons entitled as aforesaid shall be all such allowance to the commissioners, and th meeting of such persons by advertisement, for th tees of the allotment to be made for their benefit to the valuer concerning the enjoyment, occupa allotment, or for letting the same, and for the ap from such letting, or, in case such meeting shall or any part thereof shall be sold, for directing the ment of the money arising from such sale, and thereof; and the commissioners, having reference class, (so far as the valuer or the commissione same,) shall by such notice declare the numb present at such meeting to give validity to the of the majority of such meeting shall bind the n Provided always, that no meeting shall be effe unless such a number of the said persons shall mentioned in that behalf in the advertisemen no effectual meeting shall be held for the purpo instructions shall be resolved on by the major in case the commissioners shall deem such instr the commissioners may give such instructions matters aforesaid as they shall think fit; proallotment or any part thereof shall be made exc of a meeting called as aforesaid; but a recital missioners upon any sale that such sale was purposes of title be evidence that such sale resolution of a meeting duly called as aforesaid.

XC. And be it enacted, that where any persons under this Act shall be so interested in undivice coparceners, or tenants in common, it shall be request in writing of any of the persons so interested in writing of any of the persons so interested in the same shall be allotted in several to whom the same shall be allotted in several such undivided share would have been subject to been made; and every such partition shall be able to all and effectual to all purposes.

XCI. And be it enacted, that all costs and entropy to be made by virtue of this Act shall be born proprietors of or persons interested in the estat such manner and proportions as the valuer shall ment thereof shall be recovered in the manner recovery of penalties and forfeitures.

rights as are intended to be extinguished by the included theless to all such mortgages and sales as shall be a Act.

Tenure of the allotments, &c. to be the same as that of the lands in respect of which allotments, &c. are made.
Freeholds.
Copyholds.

Act.

XCIV. AND be it enacted, that all such land as a or on partition or be allotted by virtue of this Act at to whom it shall be given in exchange or on part

Leaseholds.

or on partition or be allotted by virtue of this Act s to whom it shall be given in exchange or on part same tenures, rents, customs, and services as the lan land shall have been given in exchange or on partic been held in case no such exchange, partition, or and the land taken in exchange or on partition or hold shall be deemed freehold; and the land taken or allotted in respect of copyhold or customary lan or customary land, and shall be held of the lord of same rent, and by the same customs and services, as land in respect of which it may have been taken or allotted was or ought to have been held, and s the copyhold or customary land in respect whereo or allotments shall be made, and as to copyhold or out any new admittance in respect of the lands ta and the land given in exchange or on partition or hold land shall in like manner be deemed leasehe the same rents and covenants as the land in rebeen allotted was held, and the remainder or reve in the same lessor respectively as the remainder land was vested before the exchange, partition, otherwise particularly directed by this Act.

Allotments, when staked out, may be entered upon; and leases at rack rent shall be avoided.

XCV. AND be it enacted, that immediately directed to be made on any inclosure shall have the valuer acting in the matter of such inclosure entered upon by the persons respectively for who and immediately after the valuer shall so direct leases, agreements, and tenancies at rack rent land to be inclosed, or which shall be exchanged any common right thereon, shall, so far only as r and allotted or exchanged, or common right, ceas times as the valuer shall by writing under his the respective lessors or landlords of such land times at which such leases, agreements, or tenar make and pay such satisfaction to the respective which shall be sustained by the determination o tenancies respectively, so far as regards the lan agreements, and tenancies whereof are hereby a shall be mutually settled and agreed between required by either of the parties, shall ascertain being so required, is hereby empowered and hand, to apportion a reasonable and proportion: season of the year, of the rent reserved on : tenancy, for or in respect of the time which sh last day on which any payment of the rent sh

Compensation to tenants.

Right to minerals under land inclosed, existing distinct from the property in the surface, and not compensated upon inclosure, not to be affected. Rights of lessees of minerals not affected.

Trees to be allotted with the land, and payment made for the same to the owner.

In default of payment, owner may enter, fell, and carry away trees,

Cattle not to be depastured for seven years on roads ordered to be made and fenced. Cattle grazing may be impounded,

As to private roads.

Alteration may be made in allotments, &c. before confirmation of award.

Compensation to persons injured by alterations. XCVIII. PROVIDED also, and be it enacted, that right to all or any of the mines, minerals, stone, any land inclosed under this Act shall exist as pr from the property in the surface, and shall not be sure, the right and property in such mines, miner and all rights and easements auxiliary to or contenjoyment of the right and property in such min substrata, shall be in nowise affected by the inclominerals, stone, or other substrata under any land the right of searching for or getting the same, shat to be leased to any person as property distinct an in the surface, with or without powers over the to the purposes of such lease, the rights of the lease or agreement shall be in nowise affected by

XCIX. And be it enacted, that the timber tree wood standing and growing upon any land to be go along with the land whereon they respectively the property of the several persons to whom the stallotted, such person paying to the owner of susums of money for the same, and at such time of the valuer shall by writing under his hand direct to make such respective payments shall neglect accordingly, then it shall be lawful to and for the entitled to have and receive such payments to cut down, take, and carry away to their own used in respect of which the said payments were them, at any seasonable time or times within or or default, doing as little damage on the land as

C. And be it enacted, that no person shall cattle, sheep, or swine upon any of the roads of order to be set out, and which shall be fenced seven years next after the execution of the aw to be inclosed, his servants and labourers, are parish officer of the parish in which the land being, is hereby empowered to take and impourable sheep, or swine which shall be found so grazin feasant: Provided always, that nothing here proprietors of the land which shall next adjourned from depasturing their cattle thereon so far as land extends.

CI. And be it enacted, that it shall be law inclosure, at any time before the confirmation bation or by the direction of the commissioner he may think right and expedient in the all he may have set out and ordered, or in the pror in any of the orders or directions relating t in the matter of such inclosure; and in case any such alteration, on account of any experiotherwise, the valuer shall ascertain and determined to the confirmation of the confirmation of the confirmation.

Award to be drawn up by the valuer,

and confirmed by the commissioners.

Confirmation of award to be conclusive evidence that the directions of this Act have been obeyed.

Allotments, &c. to be binding on all persons.

Allotments to be in compensation of previous rights, except those reserved by this Act or the award.

On confirmation of awards, rights intended to be extinguished by inclosure shall cease.

Allotments may be subdivided by supplemental order, within two years after date of award, where different

CIV. AND be it enacted, that after such proceeding been had, and all such objections to such report (if a disposed of, and such amendments (if any) shall ha ments, directions, and matters therein contained as a the direction of the commissioners, shall cause to be on parchment the award in the matter of such inclos by the valuer, and shall describe the boundaries, if a ascertained and set out under the provisions hereincontain or set forth the report of the valuer, or the al tions, directions, and matters contained in such report or such allotments, exchanges, directions, and matter same shall have been amended as aforesaid, and s whether all or any and which of the mines, mineral shall or shall not have been included in the estima of the lord in the soil (in respect of which any made to him); and the valuer shall annex to s referred to by such report; and the commissioner with the date of such confirmation thereunto ann

CV. And be it enacted, that such confirmation sive evidence that all the directions of this Act in to every allotment, exchange, partition, and mattained, which ought to have been obeyed and pronfirmation, shall have been obeyed and performe impeached by reason of any mistake or informaling relating thereunto, or on account of any warrequired by this Act, or on account of defects of proceeding whatever in the matter of the incexchange, partition, direction, matter, and this such award as aforesaid shall be binding an whomsoever.

CVI. And be it enacted, that the several allowing inclosure under this Act be allotted to the several to the same shall when so allotted be and be to satisfaction and compensation for their several accommon, and all other rights and properties we served by this Act or by the award in the matter respectively had or were entitled to in and over before such inclosure; and that from and immediate of the award by the commissioners, or at such the approbation of the commissioners, shall by mall rights of common, and all rights whatever extinguished, belonging to or claimed by any pushed lands, shall cease, determine, and be for every such lands, shall cease, determine, and be for every such lands, shall cease, determine, and be for every such lands.

CVII. PROVIDED always, and be it enacted, firmed as aforesaid, shall not have distinguished the lands therein mentioned, or the different which the same shall be held, or shall have set allotment in any case in which there should he

Valuation of

Rent.

Wardensto pay rates, &c.

Buildings not to be erected or used for dwellings on allotments.

Determination of tenancy on nonpayment of rent, &c.

Compensation to tenant for crops, &c. obligatory on the allotment wardens during five years from the date the during such shorter period as the commissioners shall direct: Provi that the gardens so to be let shall be let free of all tithe or tithe ren (if any,) rates, taxes, and assessments whatsoever, and shall before letting thereof, and once at least in every ten years after such fir be valued by a competent person to be appointed by the allotmen for that purpose, who shall estimate the full rent which the same worth to be let by the year for farming purposes, all tithes or tithe 1 rates, taxes, and assessments, being borne by the landlord, and such valuation by solemn declaration under the statute; and the re the same gardens respectively shall be let shall be not below the value of the land according to the last of such valuations; and t wardens shall, for the purposes of all rates and taxes, be deemed of such allotment, and shall pay all rates and taxes, tithes an charge, (if any,) in respect thereof: Provided always, that no bui ever shall, under any such letting as aforesaid or otherwise, on be erected for or used as a dwelling on any such garden or on a such allotment; and in case any such building shall be erec aforesaid contrary to this provision, the allotment wardens shall down the same, and sell and dispose of the materials thereof, & of such sale shall be applicable in like manner as the rents of

CX. And be it enacted, that if the rent reserved upon the garden by the allotment wardens shall at any time be in arreor if at any time during the tenancy, being not less than three after the commencement thereof, it shall appear to the allotn the occupier of such garden shall not have duly observed th ditions of his tenancy, or shall have gone to reside more the the parish, then and in every such case the allotment war notice upon such occupier, or in case he shall have gone t parish shall affix the same to the door of the church of the the tenancy at the expiration of one month after such not so served or affixed, and thereupon such tenancy shall be ingly: Provided always, that in every such case the all their incoming tenant shall pay to the occupier whose ten so determined a fair recompence in money for any crops hibited by the terms of such tenancy) which may be gro at the time of such determination, and for any manure k any benefit accruing from the manuring of such garde their incoming tenant; and the justices to whom applica a warrant to give possession of such garden shall sett recompence, in case the parties differ about the same, of such warrant until the same shall have been paid c such occupier be absent) until the payment thereof sha the satisfaction of such justices.

CXI. And be it enacted, that in case upon the detenancy as aforesaid the occupier of any such garden deliver up possession thereof, or if any other perscupon, take, or hold possession of any such garden, or ment, the allotment wardens may recover possession

Recovery of possession from tenants holding over, or from persons unlawfully entering.

ed a stint only, or an allotment only, or both together.

Proviso where any interest is too small to be compensated by a stint, &c.

Proceedings herein directed in case of inclosure to be applicable in case of conversion into regulated pasture.

The word "in-closure" shall include such conversion.

Valuer shall fix the proportions to be paid by the several owners of stints of any sum to he raised by way of rate on such owners.

Rule so established shall determine the proportionate value of stints for purposes of voting.

Property of soil of regulated pastures. subject to right of lord to minerals, &c. to be vested in owners of stints, according to the proportionate value of their stints, fixed as aforesaid, as tenants in common.

person interest- pasture or an allotment in severalty only, or both and an allotment in severalty, so as such stint or ri only, or (as the case may be) such stint or right a the judgment of the valuer proportionate to the of which the same shall be awarded: Provided als it shall appear to the valuer that the proportions person is too small to be conveniently compens pasture, or that it is not practicable wholly to co stint or right of pasture, and the circumstances of in the judgment of the valuer, of an adjustment ment in severalty, it shall be lawful for such va pensation or adjustment, to direct a sum of mone in lieu of or (as the case may require) in addition pasture or stint; and such sum of money shall applicable to the payment of the expences of the

> CXIV. AND be it enacted, that all the pr before contained in relation to public and private all other the powers, provisions, and direction applicable to the case of an inclosure under this directions concerning examination of claims, and report of the valuer, and the amendment of the and the confirmation and effect of the award, s where the land subject to be inclosed shall be dir pasture; and the word "inclosure" shall in eve context is not repugnant to such construction i subject to be inclosed into such regulated pa relation thereto.

CXV. AND be it enacted, that in every directed to be converted into and used as regula valuer acting in the matter of the inclosure proportionate shares or aliquot parts which the being of the several stints or rights of pastur sum of money which shall be raised by way of provisions of this Act; and such determinat same shall be approved, or as the same may be shall be for ever after observed in every rate t of this Act, and shall be the rule also accord values of the stints shall be determined in ta stints under the provisions herein-after contain

CXVI. AND be it enacted, that the right o shall be converted into regulated pastures shall of the manor to all or any of the mines, mine where the same shall be reserved to him un rights given or reserved by this Act and th inclosure, be vested in the persons who under of such award shall be the owners of the stin proportion to the shares or aliquot parts whi declared liable to of any rate under this Act, Provision for rateable increase or diminution of rights of

pasture.

the majority in value of the owners of stints at direct that any buildings for the shelter or stall-fe erected thereon, such field reeve or reeves shall or repair such buildings, or cause such buildings to such direction, and let the same from year to year as aforesaid, for any term of years, and shall rece such rents shall be applicable in the first place to rates herein-after authorized to be raised on the applicable, and the residue (if any) shall be paid proportion to the respective liability of their stint CXIX. And be it enacted, that when it shall

value of the owners of stints present at any annu of the pasture would admit of an increase of the thereon, or would require a diminution of such lawful for such majority of the owners so present number of stock or animals to be admitted to the several rights be increased, or, as the case ma such extent as they shall think fit: Provided happen that the right of any such owner shall n rateable increase or diminution, such annual mo such owner in lieu of increase of his right, or, as such owner in lieu of the diminution of his award, or in case the person to or on whom awarded or charged shall think the sum awa charged excessive, then as any two justices complaint of such person, and after summons of field reeves of such pasture, (which may be in t Act,) and on hearing in a summary way t reasonable and order to be paid; and such ord schedule to this Act; and every such money increase of right shall be paid annually by the raised by the rate made for the expences of s money charged on any such owner shall be rec stints is hereby made recoverable; and al aforesaid shall be payable on the first Monday

CXX. And be it enacted, that all salaries ar other persons, and all expences in and about regulated pasture, and the repairs and erection directions of such meetings of owners as afo such regulated pasture, shall be paid and d respective stints therein; and for that purpo reeve or one of the field reeves, under the di owners, from time to time to make a rate on sum as the majority of owners present at su and every such rate shall be apportioned and the rule of rating established for such regula the field reeve on demand thereof, and, in within fourteen days after demand thereof, and it shall be lawful for any field reeve to e

Expences of management of regulated pastures tobe raised by rates on owners.

such and the same manner as the expences of this Act.

Power to enter land for surveys, &c.

CXXIII. And be it enacted, that for su inclosed or otherwise dealt with under this this Act, it shall be lawful for the commission or valuer, or any person or persons to be assistant commissioner, or valuer, at any to the commissioners to sanction an inclosion of an inclosure, as the case may be, to make or valuation, with assistants and servants, ever, until the inclosure or other proceeding to enter into, view, and examine, survey of the land to be inclosed or dealt with, and thing necessary for putting this Act into e

Expences of inclosures to be paid by persons interested.

CXXIV. And be it enacted, that the al to and by the valuer which shall have bee the directions of the commissioners, and a sure, except the allowances and salaries to salary, and to the assistant commissioner officers of the commissioners, and the tr commissioners and assistant commissioners commissioners or assistant commissioner, o Act, shall order to be otherwise paid, si several persons interested in the lands to highways, churchwardens and overseers, allotted for public purposes, in respect of rized or directed to be made to them resp tions, and shall be paid at such time and and to such persons, as the valuer, with the signified by writing under their hands and shall give notice requiring payment of th of such expences on the church door, an who shall not reside in the parish in w thereof shall be situate, and whose respec to the valuer, notice by letter sent by the shall be liable to pay, at least fourteen day payment; and the valuer shall from time expences, and raise the amount of such est such approbation of the commissioners, de confirmation of the award.

Estimates of expences.

CXXV. PROVIDED always, and be it enshall approve the estimates of such expenmeeting of persons interested, called aftinto consideration any representation with may be made to them on the part of the such meeting.

Estimates of expences to be submitted to a meeting of the persons interested.

CXXVI. And be it enacted, that if an pay his proportion of such expences with the valuer shall appoint, it shall be lawful

Remedies in case of nonpayment of expences. Valuer not to purchase lands in the parish for seven years after the award.

Sums in respect of salaries of assistant commissioners, &c., may be charged on persons interested in land to be inclosed, and shall be paid to commissioners and carried to consolidated fund.

Persons
attending
meetings to
pay their own
expences.

Expences of witnesses, &c., may be ordered to be paid by persons interested.

Persons
applying for
inquiry may be
required to
give security
for expenses.
Power to
tenants for
life, &c., or
persons under
incapacity, &c.,

CXXIX. And be it enacted, that no valuer who shall h matter of any inclosure shall be capable of being a purel within the parish in which the lands to be inclosed, or any be situate, until the expiration of seven years after the α award in such inclosure.

CXXX. AND be it enacted, that it shall be lawful for having regard to the time and labour and expences of th sioners and all other persons, if any, specially employed commissioners in or about any inclosure, exchange, division proceeding under this Act, by any order under their hand and declare that a sum, in such order to be mentioned, be sioners in respect of the salary, allowance, and expences (missioners and other persons, if any, so specially employ inclosure, exchange, division, partition, or other proceeding sioners shall by such order declare such sum to be cha interested in the land to be inclosed, or to which such pr in such shares as they shall think just, and shall appoin thereof; and the same shall be raised in the same manr the inclosure, or of subjecting the land to the provisions pasture, are directed to be raised under this Act, and b expences of the inclosure or matter aforesaid, or, in th division, or partition, in the same manner as the exper division, or partition, and when raised shall be paid to t shall forthwith pay the same into her Majesty's Exche the account of the consolidated fund.

CXXXI. Provided always, and be it enacted, the interested in the inclosure or other proceeding und respective agents, shall pay their own expences when any of the meetings to be held in the matter of any in-

CXXXII. AND be it enacted, that the commission sioner acting in the matter of any inclosure, or in a pediency or inexpediency of any proposed inclosure, see fit, may order such expences of witnesses, and of books, deeds, court rolls, and writings, maps, plans, thereof, and all other expences (except the salary or a commissioner) incurred in the settlement of any su hearing and determining any objection or matter v commissioners or any assistant commissioner, to 1 interested in the production thereof respectively, or difference, objection, or matter, or in any such inqu tions as the commissioners or assistant commissi reasonable; and the commissioners may, when they such security to be given by persons making applica this Act, for the payment by such persons of the ex such inquiry, as the commissioners may think fit.

CXXXIII. And be it enacted, that it shall be persons interested in allotments in severalty or allot pasture respectively to be made under this Act, bein or for any other estate of freehold or inheritance,

guardians, trustees, committees, or attornies of any of the proprietors, being to raise their under coverture, infants, lunatics, idiots, or under any other disability or proportions of the expences of incapacity, or beyond the seas, or by the persons acting as such guardians, the inclosure trustees, committees, or attornies respectively, and for the trustees or feoffees for charitable, parochial, or other uses, or the majority in number of them, in their allotrespect of any lands held by them in trust for any charitable, parochial, or other uses, (with the consent of the commissioners, testified in writing under their hands and seal,) and for the incumbent of any ecclesiastical benefice, with the consent in writing of the bishop of the diocese and of the patron of such benefice, from time to time to charge their respective allotments with any money not exceeding, as to any allotment in severalty, five pounds per acre, towards their respective proportions of the inclosure expences, and for securing the repayment of such money, with interest, to mortgage or demise the said allotments unto or in trust for any person who shall advance any money for any term of years, but so that every such mortgage or demise be made with a condition to cease or upon trust to be surrendered or assigned when the money thereby to be secured, with all interest thereon, shall have been fully paid, and so that in every such mortgage or demise which shall be made by or on behalf Tenants for of any person entitled to any such allotment for the term of his natural life life to keep down interest. there be contained a covenant to pay and keep down the interest of the money to be secured during his life, in such manner that no person afterwards becoming possessed of such lands shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when the title of such person shall accrue or commence; and every incumbent of a benefice by Repayment of whom such mortgage or demise shall be made shall keep down the interest on principal borrowed by the money to be secured, or on so much thereof as shall remain owing, and incumbent of shall repay, in reduction of the principal, one thirtieth part of the money originally secured at the expiration of the term of one year from the time of making such mortgage, and a like sum at the expiration of each succeeding term of one year, until the whole be repaid; and every such mortgage or demise shall be valid in the law for the purposes thereby intended; and every such mortgagee and his assigns shall have the like remedies in case of nonpavment of the monies thereby secured as in the case of other mortgages of the like nature.

CXXXIV. AND be it enacted, that it shall be lawful for the commissioners, Power to on application made to them in writing by any of the proprietors of allotments sell parts of to be made by virtue of this Act, or by any of the husbands, guardians, allotments, trustees, committees, or attornies of or for any of such proprietors, being under sufficient to goverture, infants, lunatics, idiots, or under any other disability or incapacity, defray their or beyond the seas, or by the persons acting as such guardians, trustees, committees, or attornies respectively, or by any of the said proprietors, being the inclosure. tenants in tail or for life, or by any trustees or feoffees for charitable, parochial, or other uses, or by the majority in number of them, or by any incumbent of an ecclesiastical benefice in right of which an allotment may have been made, and the bishop of the diocese and the patron of such benefice, to direct a sale of any part of any such allotment, for raising a sum of money sufficient to defray the proportionable part of the expences which shall in such rates be charged upon such parties, and of the expences of making and completing such sale: Provided always, that in all cases in which the monies so raised by any such

sale shall not be equal to the money which migh such allotment as aforesaid, it shall be lawful for herein-before authorized to direct a sale on bel whose allotment shall be sold as aforesaid, to c sum not exceeding the difference.

Sales of parts of allotments how to be made. CXXXV. AND be it enacted, that such sales with the approbation of the commissioners, in the same regulations as are herein-after prese part of the land subject to be inclosed toward inclosure; and every part of an allotment for shall be paid shall be conveyed by the commis purchaser, as he shall appoint, and shall be in chaser in severalty: Provided always, that in enable the commissioners to convey any alloth hold or customary as freehold, but such cop shall be held by the purchaser thereof by, under

Sale of copyhold or customary allotments.

suits, and services as such allotment would he sale had been made.

Commissioners to receive and apply purchase money.

a sufficient discharge to the purchaser for the a purchase money shall be applied by the commist the costs and expences for raising which such sal surplus (if any) shall be paid to the parties if shall have been so made respectively; and the shall be tenants in fee simple shall be paid shares of the other proprietors of such surpludisposed of in manner herein-after directed.

Application of money paid for purchase of timber on land belonging to persons not entitled to sell such timber.

CXXXVII. AND be it enacted, that when visions of this Act, directed to be paid for the growing on any land which shall belong to an any feoffee in trust, executor, or administrator, or trustee, for or on behalf of any infant, idiot, lu trust, or to any person whose lands are limited or to any person under any other disability any corporation, not being legally and equitab such timber and wood, it shall be lawful for t defray the proportion (if any) of the inclosure upon the land, or any land held under the sam wood actually grew, and also, with the approdefray the expence of any permanent impro dividing, dividing, draining, or planting, and judgment of the valuer be proper to be mad direction, upon any land to be under the pow

Payment into the Bank and application of surplus amounting to 2001. or upwards, arising CXXXVIII. And be it enacted, that if the the surplus of any monies to arise from the s raising money for expences, where the same sl tors under the directions herein-before contain the sum of two hundred pounds, the same sh

unless the commissioners shall otherwise direct, under the provisions herein- from sale of after contained, be paid into the Bank of England in the name and with the of parts of privity of the accountant general of the Court of Chancery, to be placed to allotments, his account there ex parte the commissioners, ; and able to the shall, when so paid in, there remain until the same shall, by order of the said proprietors. court, made upon a petition in a summary way by the parties who would have been entitled to the rents and profits of the said land, be applied to the following purposes or any of them; (that is to say,)

The redemption or discharge of the land tax or of any debt or other incumbrance affecting the same land, or affecting other lands standing settled therewith to the same or the like uses or trusts:

The purchase of other land, to be conveyed or settled upon the like uses or trusts, or such of them as shall be then existing undetermined or capable of taking effect.

CXXXIX. AND be it enacted, that in the meantime and until such appli- Interim cation shall be made the said money may, by order of the said court, to be investment and made upon the like petition, be invested by the said accountant general in dividends. his name in the purchase of three pounds per centum consolidated or three pounds per centum reduced bank annuities, or of government securities; and the dividends or interest of such annuities or securities shall from time to time be paid, by order of the said court, to the parties who would for the time being have been entitled to the rents and profits of the lands so to be purchased, conveyed, and settled.

CXL. AND be it enacted, that in case the surplus of any such monies as Payment into aforesaid shall be less than the sum of two hundred pounds, and shall exceed the Bank or to or amount to the sum of twenty pounds, the same shall, at the option of the application, parties who for the time being would have been entitled to the rents and of money under 2001. profits of the said land, or their guardians or committees, in case of infancy, and above 20%. idiotcy, lunacy, or other incapacity, with the approbation of the commissioners, to be signified in writing under their seal, be paid into the Bank of England in the name and with the privity of the said accountant general of the Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like option and with the like approbation, to two trustees, to be nominated by the said parties who for the time being would have been entitled to the rents and profits of the said land as aforesaid, such nomination to be approved of by the commissioners, and such nomination and approbation to be signified in writing under the hands (or common seal, as the case may be,) of the nominating parties, and under the seal of the commissioners; and in any case in Sums exceedwhich such monies shall amount to or exceed the sum of two hundred pounds, be paid to the same if the commissioners shall so think fit and direct, shall in like trustees. manner be paid to trustees to be nominated and approved as aforesaid; and the money so paid to such trustees, and the dividends and produce arising therefrom, shall be by them applied in like manner as is herein-before directed with respect to money so to be paid into the Bank of England, but without obtaining or being required to obtain any order of the said court touching the application thereof.

ing 200% may

CXLI. And be it enacted, that in case the surplus of any such monies as Application of aforesaid shall be less than twenty pounds the same shall be paid to the sums under 201.

parties for the time being entitled to the rents and profits of the sai their own use and benefit; or in case of infancy, idiotcy, lunacy incapacity, then such money shall be paid to their guardians, comtrustees, for the use and benefit of the parties respectively entitled

Part of land to be inclosed may be set out for sale to defray expences of inclosure. Sale of such

land, and

application of proceeds.

CXLII. Provided always, and be it enacted, that in case the value in the matter of any inclosure shall, under the instructions her required in this behalf, proceed to raise all or any part of the expension inclosure by sale of part of the land proposed to be inclosed, such value to defray the expences aforesaid, and shall, from time to time a find expedient, sell and dispose of the same by public auction or be contract, with the approbation of the commissioners; and the purchasto arise by such sales shall be paid into the hands of the commission they shall direct, and shall be by them applied a discharging expences.

Commissioners to give receipts to purchasers, and convey lands in fee simple.

CXLIII. AND be it enacted, that upon every sale to be made by tunder the provisions of this Act the commissioners shall sign and each purchaser a receipt for his purchase money, which shall be a discharge for the same; and upon receipt of the whole purchase mone of the lands which shall be sold as aforesaid the commissioners shall such lands, and the fee simple and inheritance thereof in possession, be ance under their hands and seal, to such uses and in such mannepurchaser shall direct; and after such conveyance the premises combe freehold of inheritance, and shall be held to the uses and expressed by such conveyance; and any such conveyance may be to set forth in the schedule to this Act, and shall be evidence of the rest the sale in pursuance of which such conveyance shall be made.

Form of conveyance as in schedule,

CXLIV. And be it enacted, that all such purchase monies as she time to time raised or received by the commissioners by such respeas aforesaid shall, after payment of the charges and expences atterespective sales, be paid and applied by the commissioners to expences of the inclosure; and the respective purchasers or other paying the same shall not in any manner be liable to see to the apple answerable for any misapplication thereof.

Application of purchase money.

CXLV. And be it enacted, that the commissioners, before authorized certifying the expediency of any inclosure, or determining any claim of approving any report or award, or in any other stage of the process any inclosure, or of the proceedings for subjecting any gated or stint to the provisions of this Act concerning regulated pastures, if the occasion, may require notice to be given, in any such manner as direct, to the person next in remainder, reversion, or expectancy of inheritance in any lands, or to any other person to whom they notice ought to be given, and may by themselves or by some ass missioner hear and determine any objection which may be made by so next in remainder, reversion, or expectancy.

Commissioners, before taking proceedings, may require notice to be given to reversioners and others, and hear and determine their objections.

CXLVI. And be it enacted, that two copies of every confirmed be made, and sealed with the seal of the said commissioners, and on shall be deposited with the clerk of the peace of the county in which inclosed shall be situate, who is hereby required to deposit and keep

Copies of confirmed award to be made and deposited with clerk of the peace and

among the records of the said county, so that recourse may be had thereto by churchany person interested in the premises, and the other copy shall be deposited wardens, &c. with the church or chapel wardens for the time being of the parish in which the lands or the greater part thereof shall be situated, to be kept by them and their successors in office with the public books, writings, and papers of the parish, or shall be deposited with such other fit persons as the commissioners shall approve; and all persons interested therein may have access to and be Inspection, furnished with copies of or extracts from any such copy, on giving reasonable extracts. notice to the person having custody of the same, and on payment of two shillings and sixpence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract; and all such copies of and extracts from any such copy of any confirmed award as shall be furnished by the clerk of the peace shall be signed by the said clerk of the peace or his deputy, purporting the same to be a true copy; and every such cortified by copy and extract, so signed, shall be received in evidence without further clerk of the proof thereof; and every recital or statement in such confirmed award or any peace or his deputy, to be sealed copy thereof shall be deemed satisfactory evidence of the matters evidence. therein recited or stated.

CXLVII. AND be it enacted, that it shall be lawful for the commissioners, Exchanges upon the application in writing of the persons interested, according to the under sanction definition herein-before contained, in lands not subject to be inclosed under of commisthis Act, or in lands subject to be inclosed under this Act as to which no lands not proceedings for an inclosure shall be pending, and who shall desire to effect an subject to exchange of lands in which they respectively shall be so interested, to direct or as to which inquiries whether such proposed exchange would be beneficial to the owners no inclosure of such respective lands; and in case the commissioners shall be of opinion that such exchange would be beneficial, and that the terms of the proposed exchange are just and reasonable, they shall, unless notice of dissent to the proposed exchange shall be given, under the provision herein-after contained, cause to be framed, and confirmed under the hands and seal of the commissioners, an order of exchange, with a map or plan thereunto annexed, in which order shall be specified and shown the lands given and taken in exchange by each person so interested respectively; and a copy of such order, under the seal of the commissioners, shall be delivered to each of the parties on whose application the exchange shall have been made; and such order of exchange shall be good, valid, and effectual in the law to all intents and purposes whatsoever, and shall be in nowise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the land taken upon every such exchange shall be and enure to, for, and upon the same uses, trusts, intents, and purposes. and subject to the same conditions, charges, and incumbrances, as the lands given on such exchange would have stood limited or been subject to in case such order had not been made; and all expences with reference to such order and exchange, or the inquiries in relation thereto, or to any proposed exchange, shall be borne by the persons on whose application such order shall have been made or such inquiries undertaken: Provided always, that no exchange shall Consents rebe made of any land held in right of any church or chapel or other ecclesias-quired where land is held in tical benefice, without the consent, testified in writing, of the bishop of the right of a diocese and the patron of such benefice.

Division of intermixed lands not subject to be inclosed, or as to which no inclosure is pending.

CXLVIII. AND be it enacted, that it shall be lawful for the commiss upon the application in writing of any number of persons who sl separately interested in parcels of land not subject to be inclosed und Act, or of land subject to be inclosed under this Act as to which no p ings for an inclosure shall be pending, so intermixed or divided into pa inconvenient form or quantity that the same cannot be cultivated or or to the best advantage, but forming together a tract which may be divid convenient parcels, and who shall desire to have the whole of such divided into convenient parcels, to be allotted in lieu of the old pare direct an inquiry whether such proposed division and allotment wo beneficial to the owners of such lands; and in case the commissioner be of opinion that the proposed division and allotment would be ber they shall, unless notice of dissent from the proposed division and all shall be given, under the provisions herein-after contained, cause framed an order for the division or allotment thereof accordingly, with or plan thereunto annexed, in which shall be specified as well the which the several persons on whose application such order shall have made were respectively interested in before such division and allotm the several parcels allotted to them respectively by such order, and such shall be confirmed under the hands and seal of the commissioners; and of such order, sealed with the seal of the commissioners, shall be delive each of the parties on whose application the division and allotment sha been made; and such order of division shall be good in the law to all and purposes whatsoever, and shall in nowise be liable to be impead reason of any infirmity of estate or defect of title of the persons on application the same shall have been made; and the parcels of land take the persons interested under such division shall be and enure to, for, and the same uses, trusts, intents, and purposes, and subject to the same tions, charges, and incumbrances, as the several lands which the persons the same shall have relinquished or lost on such division would have limited to, for, or upon, or been subject to, in case such order had no made; and all expences with reference to any such order, division, and ment, or the inquiries in relation thereto, or to any proposed divisi allotment, shall be borne by the persons on whose application such orde have been made or such inquiries undertaken.

Inconvenient allotments for the poor, and for public purposes, may be exchanged for land more convenient. CXLIX. And be it enacted, that where, under the powers of any inc. Act, any allotment shall have been made in trust for the poor inhabital any parish, or of any class of such poor inhabitants, or in trust to be used, or enjoyed to or by or upon any other trusts for the benefit of such inhabitants, or for the purposes of exercise and recreation, or for any public or parochial purpose, and it shall appear to the commissioners that allotment, by reason of its distance from the dwellings of such poor in tants, or from the nature or quality of the soil, or otherwise, shall not be venient or suitable for the purposes for which the same shall have been it shall be lawful for the commissioners, upon the application in write the churchwardens and overseers of the poor of the parish in which allotment shall be situate, or of the trustees for the time being of such ment, and of the person interested in land more convenient or suitable the purposes for which such allotment shall have been made, and who

be willing to give such land in exchange for such allotment, in case the commissioners shall be of opinion that such exchange would be beneficial to the poor inhabitants or other persons for whose benefit or more suitable to the purposes for which such allotment was made, to cause to be framed and to confirm an order of exchange of such allotment for such other land as aforesaid; and the provisions herein contained concerning exchanges shall apply to such allotment, as if such churchwardens and overseers or trustees respectively were the persons interested in such allotment.

CL. PROVIDED always, and be it enacted, that no such order of exchange or Notices of order of division and allotment as aforesaid shall be confirmed by the commissioners until notice shall have been given by advertisement in three successive divisions to weeks of such proposed exchange or division and allotment, and three calendar be given. months shall have elapsed from the publication of the last of such advertisements; and in case before the expiration of such three calendar months any If parties person entitled to any estate in or to any charge upon any land included in interested such proposed exchange or division and allotment shall give notice in writing for exchange, to the commissioners of his dissent from such proposed exchange or division &c., shall not be confirmed and allotment, as the case may be, the commissioners shall not confirm an until dissent is order for such exchange or such division or allotment unless such dissent shall be withdrawn, or it shall be shown to the commissioners that the estate or charge of the party so dissenting shall have ceased.

withdrawn, &c.

CLI. AND be it enacted, that if any difference shall arise touching the said In case of expences in relation to any exchange, division, allotment, orders, or inquiries dispute, comas aforesaid, or the share thereof to be paid by any person, it shall be lawful shall certify for the commissioners to certify under their hands and seal the amount to be the share of expense of paid by such person; and in case any person shall neglect or refuse to pay exchange, &c., his share so certified to be payable by him, and upon the production of such payable by any certificate before any two justices of the peace for the county or other juris- if not paid, diction wherein the land shall be situate, such justices, upon the nonpayment may be rethereof, are hereby required, by warrant under their hands and seals, to cause distressthe same to be levied by distress.

CLII. AND be it enacted, that where any award already made and executed, Commissioners or hereafter to be made and executed, in pursuance of any local Act of inclo-defects and sure, or in pursuance of an Act passed in the seventh year of the reign of his omissions of late Majesty King William the Fourth, intituled "An Act for facilitating the local Acts 44 inclosure of open and arable fields in England and Wales," shall not have of inclosure, duly distinguished the several tenures of all the lands thereby awarded or 6 & 7 Will. 4. allotted, or of any other lands of which the tenure ought to have been distin- c. 115. guished in or by such award, or the different estates or titles for or under which any lands therein mentioned should be held, or shall not have duly distinguished the lands which after such award should remain subject to all or any tithes, and the lands which should be discharged from all or any tithes, or where by any such award an aggregate allotment shall have been set out and awarded in any case in which several and distinct allotments ought to have been set out and awarded, in every such case, and in every other case in which it shall appear to the commissioners that inconvenience shall have arisen from inaccuracy, confusion, or omission in any such award, it shall be lawful for the commissioners, upon the application in writing of any person interested

in the lands to which such award may relate, or of any person prejudiced the inaccuracy, confusion, or omission in such award, to make such inqu and take such evidence, by themselves or by an assistant commissione they shall think fit, and by an order under their hands and seal to an such award, and to distinguish the several tenures of the lands thereby allo and awarded, and the different estates or titles for or under which the should be held, and to distinguish the lands which should be discharged all or any tithes, and the lands which should remain subject to all or tithes, and to subdivide aggregate allotments into separate allotments, ar distinguish the tenures or titles thereof, or the lands or rights in respe which they were respectively made, and generally to make or give such d rations or directions as may appear necessary to supply any omission rectify any inaccuracy or confusion in such award; and such order o commissioners shall have the same force and effect as if the allotm directions, and declarations therein contained had been duly made and tained in the original award, in addition, or, as the case may require substitution for the parts thereof to which such amendments may relate; all expences with reference to such order as last aforesaid, and of and c quent upon all inquiries in relation thereto, or to any proposed amendment any such award, shall be borne by the persons on whose application such shall be made or such inquiries undertaken.

Commissioners may authorize commissioners under local inclosure Acts to execute powers, &c., lost by lapse of time, or otherwise.

CLIII. And be it enacted, that where under any local Act of inclosur powers and authorities originally vested in the commissioner or commiss acting under any such local Act, or any such power or authority, sha have been fully executed according to the intent of such local Act, and have been lost or become incapable of being executed by reason of the n or omission to execute the same, or to take some proceeding necesse the due execution thereof, within the time limited in that behalf by such Act, or from any other cause whatsoever, it shall be lawful for the Inc Commissioners for England and Wales, by any order under their hand seal, to authorize the commissioner or commissioners appointed by or under the authority of such local Act to execute and to carry into effe powers and authorities originally vested in such last-mentioned commis or commissioners, or in any previous commissioner or commissioners, such local Act, in the same manner as if such powers and authorities h been lost or become incapable of being executed, or as near thereto as l time and other circumstances may permit, and subject to such condition restrictions as the justice of the case may appear to require, and in such order to direct any act or proceeding to be done or taken in subst for any act or proceeding which shall have been required or directed b local Act, and which shall have become incapable of being done or ta lapse of time or other circumstances; and all proceedings, adjudications, directions, and acts, taken, made, and done by the commissioner or c sioners under any local Act in pursuance of any such order as aforesaid Inclosure Commissioners for England and Wales, shall have the same for effect as if the same had been duly authorized by such local Act; a expences of such order, and of the inquiries in relation thereto, shall be the commissioner or commissioners acting under such local Act, and deemed expences under the inclosure by such local Act authorized.

CLIV. AND be it enacted, that where the powers and authorities of any Where prolocal Act of inclosure shall not have been fully executed and performed, ceedings are incomplete whether the same shall or shall not have been lost or have become incapable under local of being executed from lapse of time or otherwise, and there shall be no commissioner acting under such local inclosure Act, or in case from any other no commiscause any of the persons interested in the land to which such local Act shall execute such relate shall be desirous that the powers and authorities of such Act should be Acts, the executed, and the proceedings thereunder completed, under the direction of the may appoint Inclosure Commissioners for England and Wales, it shall be lawful for the said persons to commissioners, by order under their hands and seal, upon the application in proceedings, writing of the major part in value of the persons interested in the lands and to exercise the powers of subject to be inclosed under such local Act, to appoint any person to execute commissioners the powers or authorities of such local Act, in the place of the commissioner or Acts. commissioners by such Act appointed or authorized to be appointed, and to complete the proceedings under the same; and it shall be lawful for the said Inclosure Commissioners for England and Wales, by such order as aforesaid, or by any supplemental or other order, to authorize the person so appointed to execute and to carry into effect any powers or authorities originally vested in any commissioner or commissioners under such local Act, and which may have been lost or become incapable of being executed, and to give such other directions in relation thereto as under the provision herein-before contained might have been given to the commissioner or commissioners appointed by or acting under a local Act; and the person so appointed by the commissioners shall and may complete the proceedings under such local Act, and make an award therein, and shall have such and the like powers and authorities in all respects as the commissioner or commissioners originally appointed by or acting under such local Act would have had if he or they had continued to act; and it shall be lawful for the Inclosure Commissioners for England and Wales, by order under their hands and seal, to remove any person so appointed, and upon such removal, or in case any person so appointed shall die, or desire to be discharged from his office, before the proceedings in such inclosure shall be completed. from time to time to appoint any other person in his stead, with all such powers and authorities as aforesaid; and the expences of such orders of the commissioners, and of all proceedings in relation thereto, shall be expences in the inclosure, and raised in the same manner as other expences may by such local Act be authorized to be raised.

CLV. Provided always, and be it enacted, that the commissioners shall not in any case proceed to amend any award under any local Act of inclosure, or under the said Act of the seventh year of the reign of King William the Fourth, or to authorize the execution of any power or authority under any such local Act which shall have been lost or become incapable of being executed as aforesaid, or to authorize any person to be by them appointed as aforesaid to execute the powers or authorities of any local Act in the place of the commissioner or commissioners appointed under such local Act, until notice of the application to the commissioners to amend such award, or to authorize the execution of such powers or authorities, or to authorize any person to be by them appointed as aforesaid, shall have been given by advertisement in four successive weeks; and in case within two calendar months after the publication of the last of such to act under advertisements one fourth part in number or value of the persons interested, according to the definitions herein-before contained, in the land to which the award so proposed to be amended, or the part thereof proposed to be amended, shall relate, or in the land to be affected by the exercise of such powers or authorities, shall give notice in writing to the commissioners of their dissent from such application, the commissioners shall not proposed further or the configuration. not proceed further on such application. [Rep., 10 & 11 Vict. c. 111. s. 5.]

sioners to commissioners complete such

Commissioners to give notice before proceeding to amend awards under 6 & 7 Will. 4. c. 115. or local Acts, or to authorize execution of powers or appoint persons local Acts, and shall not proceed if persons interested dissent.

Proviso for cases where dealings have been had with land on faith of inaccuracies, &c. proposed to be rectified.

CLVI. Provided also, that in every case in which dealings shall have been had with such land, or some part thereof, on the faith of the inaccuracy, confusion, or omission which it shall be proposed to rectify or supply, or on the faith of such powers or authorities having been lost or become incapable of being executed, or on the faith of the powers or authorities of such local Act not being executed under the powers of such local Act, or the actual possession of the land, or the receipt of the rents and profits of the land, to which the award so proposed to be amended, or the part thereof proposed to be amended. shall relate, or, as the case may be, the possession of the land, or the receipt of the rents and profits of the land, to be affected by the exercise of such powers or authorities, would be altered by the proposed amendment of the award, or by the exercise of such powers or authorities as aforesaid, the commissioners shall not proceed on such application, so far as respects the land with which such dealings may have been had, or of which the possession or the receipt of rents and profits would be altered as aforesaid, without the consent of the persons interested in such last-mentioned land, nor shall the commissioners proceed in any case upon such application, so far as respects such last-mentioned land, in case within two calendar months after the publication of the last of such advertisements as aforesaid any person entitled to any estate in or to any charge upon such last-mentioned land shall give notice in writing to the commissioners of his dissent from such application.

Commissioners may confirm, with or without amendments, awards or agreements made under supposed authority of 6 & 7 Will, 4. c. 115., of lands not subject to be inclosed under that Act, but which would be subject to be inclosed under this Act.

CLVII. And be it enacted, that where by any award or agreement expressed to be made under the authority of the said Act of the seventh year of King William the Fourth, intituled "An Act for facilitating the inclosure of open " and arable fields in England and Wales," any moors, commons, or waste lands, or other lands not subject to be inclosed under the provisions of such last-mentioned Act, shall have been inclosed or apportioned and allotted, and the lands so inclosed or apportioned and allotted shall be within the definition of lands subject to be inclosed under this Act, it shall be lawful for the commissioners, upon the application of any person interested in any lands so inclosed or apportioned and allotted, to make such inquiries in relation to such award or agreement as the commissioners shall think fit; and if it shall appear to the commissioners that the rights and interests of all parties interested in the lands expressed to be inclosed or apportioned and allotted by such award or agreement shall have been duly provided for and compensated thereby, or might be duly provided for and compensated thereby if such award or agreement were confirmed, or amended and confirmed, as herein-after mentioned, it shall be lawful for the commissioners, by any order under their hands and seal, to confirm such award or agreement, or to amend the same, as the justice of the case and the rights and interests of the parties may appear to the commissioners to require, and to confirm the same, with the amendments specified in such order, as the commissioners shall think fit; and every award and agreement so confirmed shall, with the amendments, if any, which shall have been made by such order, have the same force and effect as a final award under the authority of this Act; and all expences with reference to such order as last aforesaid, and of all inquiries in relation thereto, or to any proposed confirmation of any such award or agreement, shall be borne by the persons interested in the lands by such award or agreement inclosed or apportioned and allotted, in such proportions as the commissioners shall direct: Provided always, that

the commissioners shall not confirm any such award or agreement, or proceed to make any inquiries in relation thereto, unless it shall be made to appear to the commissioners that the persons making the application for a confirmation of such award or agreement represent at least one third in value of the interests in such lands.

CLVIII. AND be it enacted, that where, under any local Act of inclosure, or Power to under any award made under the authority of any local Act of inclosure, number of provision shall have been made for the election, from among persons having trustees, &c. certain qualifications in respect of property or otherwise, of a number of Act, where a trustees or other functionaries for making or maintaining works on the lands sufficient number of persons inclosed, or for any other local functions, and it shall appear to the commisqualified sioners that by reason of alterations in the state of property or otherwise cannot be found. persons cannot be found according to the qualifications required by such local Act of inclosure to fill up the number of trustees or other functionaries required by such local Act, it shall be lawful for the commissioners, after such inquiries as they shall think fit, upon the request and at the expence of any persons interested in the works to be made or maintained or in the functions to be performed by such trustees or functionaries, by order under the seal of the commissioners to declare that any such lesser number, in such order to be mentioned, of trustees or other functionaries, may be from time to time elected for the purposes or be competent to exercise and perform the powers and functions in such local Act of inclosure required or authorized to be exercised by the number of trustees or other functionaries directed to be elected by such local Act, and such lesser number shall be from time to time elected, and shall be competent to exercise and perform such powers and functions accordingly.

CLIX. And be it enacted, that all penalties and forfeitures imposed by this Penalties and Act, or which shall be imposed by the commissioners or assistant commissioner forfeitures how recoverable. acting in the matter of any inclosure or other proceeding under or by virtue of the authority of this Act, shall be levied and recovered before any two justices of the peace for the county in which the land subject to be inclosed, or to which such other proceeding shall relate, shall be situate, and not interested in the matter in question, for which purpose it shall be lawful for any such justices of the peace, upon complaint made to them, to summon the party accused and the witnesses on both sides, and upon the appearance or contempt of the party accused to examine such witnesses upon oath, (which oath such justices are hereby empowered to administer,) and upon such evidence to give judgment accordingly, and to condemn the party accused (proof of the accusation being made by one or more witness or witnesses as aforesaid) in such penalties and forfeitures as the offender shall have incurred, and to levy such penalties and forfeitures by distress, together with reasonable costs; all which Application penalties and forfeitures the application whereof is not particularly directed by thereof. this Act shall, and so soon as the same shall be levied, be paid and applied to and for such uses, intents, or purposes as the commissioners in and by any writing under their hands and seal shall order, direct, or appoint.

CLX. And be it enacted, that when in this Act any sum of money, whether Distress, how in the nature of penalty or otherwise, shall be directed to be levied by distress, to be made. such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the surplus monies arising from such

VOL. IX.

3 Y

sale, after satisfying such sum of money, and the costs and expenses atte the distress and sale, shall, on demand, be rendered to the party whose and chattels shall have been distrained.

Distress not unlawful for informality, &c. CLXI. And be it enacted, that no distress levied by virtue of this A be deemed unlawful, nor shall any party making the same be deemed passer, on account of any defect or want of form in the warrant of distriction of the proceeding relating thereto, nor shall such party be deemed a trab initio on account of any irregularity afterwards committed by him, persons aggrieved by such defect or irregularity may recover full satisfor the special damage in an action upon the case.

Notices, how to be given.

CLXII. And be it enacted, that all notices by this Act directed to be by advertisement shall be given by an advertisement to be inserted newspaper or newspapers printed or usually circulated in the county i the land subject to be inclosed, or other land to which such notice shall shall be situate; and all notices directed to be given on the church do be by writing under the hand of the party giving such notice, to be af the principal outer door of the church of every parish and ecclesiastical in which the land subject to be inclosed, or other land to which suc shall relate, or any part thereof, shall be situate, on Sunday before service, or where in any such parish or ecclesiastical district there sha church, then to be affixed in some conspicuous place of such parish of astical district on Sunday before ten of the clock in the forenoon notices necessary to be given by the commissioners or any assistant sioner or valuer acting in the matter of any inclosure (the mode of which is not hereby particularly directed) shall be by either or the methods aforesaid, as the commissioners or assistant commis valuer respectively shall think fit; and all notices so given shall be sufficient notices to all persons concerning all matters and things such respective notices shall relate.

Advertisements, awards, &c. exempt from stamp duty.

CLXIII. And be it enacted, that no advertisement inserted by die the commissioners or any assistant commissioner acting in the matter inclosure in the London Gazette or in any newspaper for the purpose ing into effect any provision of this Act, and no agreement, award power of attorney, made or confirmed or used under this Act, shall the able with any stamp duty.

Persons giving false evidence, &c. to be guilty of a misdemeanor. CLXIV. And be it enacted, that if any person under the prothis Act shall wilfully give false evidence, or shall make or subscrideclaration for the purposes of this Act, or shall wilfully refuse to obedience to any lawful summons of the commissioners or an assistant sioner or valuer, or to give evidence, or shall wilfully alter, withhold, refuse to produce any book, court roll, or writing, map, plan, or survecepy of the same, which may be lawfully required to be produced commissioners or assistant commissioner or valuer, he shall be deep of a misdemeanor.

Limitation of actions, &c.

CLXV. AND be it enacted, that no action or suit shall be cagainst any commissioners, assistant commissioner, justice of the pear or other person, for any thing done under the authority of this Act, calendar months notice thereof shall have been given in writing to against whom such action or suit is intended to be brought, or after

satisfaction or tender of amends shall have been made to any party aggrieved, or after twelve calendar months shall have expired from the commission of the act for which such action or suit shall be so brought, or in case there shall be a continuance of damages then within twelve calendar months next after the doing or committing of such damage shall have ceased; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was brought before two calendar months notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expences, as between attorney and client.

CLXVI. And be it enacted, that no order, adjudication, or proceeding, made or Proceedings had by or before the commissioners or any assistant commissioner under the not to be authority of this Act, except as herein-before provided, or any proceeding to be want of form, had touching any offender against this Act, shall be quashed for want of form, or removed by certiorari. or be removed or removeable by certiorari or any other writ or process into any of her Majesty's courts of record at Westminster or elsewhere.

CLXVII. And be it enacted, that in the construction and for the purposes Interpretation of this Act, unless there be something in the subject or context repugnant to of terms. such construction, the word "person" shall mean and include the Queen's "Person." Majesty, and any body corporate, aggregate or sole, as well as an individual: any word importing the singular number only shall mean and include several Number and persons or parties as well as one person or party, and several things as well as gender. one thing respectively, and the converse; any word importing the masculine gender only shall mean and include a female as well as a male; the word "inclosure" shall extend to and include division or allotment; the word "Inclosure." "inclose" and its conjugates shall include the meaning also of the words "Inclose." "divide" and "allot" and their respective conjugates; and the words "local "Local Act of "Act of inclosure" shall extend to and include any local Act of which inclosure." sure, division, or allotment of lands shall have been one of the objects or purposes; the word "manor" shall extend to and include any hundred, honor, "Manor." or lordship; the word "land" shall mean and include all messuages, lands, and "Land." corporeal tenements and hereditaments; the word "county" shall include any "County." riding or other like division of a county, and any liberty, city, or place, having a separate commission of the peace; the word "parish" shall include any "Parish." township or vill or hamlet having separate overseers of the poor, or extraparochial district or place; the word "church" shall mean and include any "Church." chapel where there is no church; the word "schoolhouse" shall mean any "Schoolparochial or charitable schoolhouse; the words "the commissioners" shall "Commismean the Inclosure Commissioners for England and Wales; and the words sioners."

"Assistant commissioner." Extent of Act. " assistant commissioner" shall mean the assistant commissioner the Inclosure Commissioners.

CLXVIII. AND be it enacted, that this Act shall extend onl and Wales.

The SCHEDULE to which this Act refers.

FORM of Conveyance by Commissioners.

In the matter of the Inclosure.

WE,
sioners for England and Wales, by virtue of an Act of Parliame
the year of the reign of Queen Victoria, in

insert the title of this Act], and in consideration of the sum of paid into our hands by , being the pur of the hereditaments herein-after described, do by these present

, his heirs and assigns, all that [here

premises], with the appurtenances, to hold the same unto the said, his heirs and assigns [here state the uses, trusts, the conveyance, as the case may require]. In witness whereof

unto affixed our seal, this day of

FORM of Summons

To of , field reeve of

and seal, this

, esquire, one of her Majest the peace in and for the said county of do hereby summon you personally to be and appear before such Majesty's justices of the peace as shall be present at the said county, on the day of next, at the hour of in the noon of the same of the complaint of A.B. that [he is refused reasonable compensatio tion of his right of pasture in the regulated pasture in [that the said A.B. is charged with an excessive payment for in right of pasture in the regulated pasture of], otherw plaint will be proceeded with as if you had appeared. Given ur

day of

FORM of Order.

in the year

The order of and to wit. Sequires, two of her Majesty's justices of the for the said county, made at county of the day in the year

Whereas complaint hath been made to us by A.B.
that he [state the complaint as in the summons]; we do deck
yearly sum of
is a reasonable
for the diminution of the right of pasture of the said A.B.], or [the

is a reasonable payment for increase of the of right of pasture of the said A.B.], and do order that such yearly sum be paid, according to the directions of the statute in that behalf. hands and seals, this day of in the year

CHAPTER CXIX.

AN ACT to facilitate the Conveyance of Real Property. [8th August 1845.] HEREAS it is expedient to facilitate the sale and conveyance of real property: Be it enacted by the Queen's most excellent Majesty, by and Where the with the advice and consent of the lords spiritual and temporal, and commons, words of column I. in this present Parliament assembled, and by the authority of the same, that of the second whenever any party to any deed, made according to the forms set forth in the employed in first schedule to this Act, or to any other deed which shall be expressed to be any deed made made in pursuance of this Act, or referring thereto, shall employ in any such the form in the deed respectively any of the forms of words contained in column I. of the first schedule, second schedule hereto annexed, and distinguished by any number therein, pursuance of such deed shall be taken to have the same effect and be construed as if such party this Act, the had inserted in such deed the form of words contained in column II. of the the same effect same schedule, and distinguished by the same number as is annexed to the as if the words in column II. form of words employed by such party; but it shall not be necessary in any of the second such deed to insert any such number.

II. THAT every such deed, unless any exception be specially made therein, Deed to shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, and the refences, hedges, ditches, ways, waters, watercourses, lights, liberties, privileges, the estate. easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, to the lands therein comprised belonging or in anywise appertaining, or with the same demised, held, used, occupied, and enjoyed, or taken or known as part or parcel thereof, and also the reversion or reversions, remainder and remainders, yearly and other rents, issues, and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity, of the grantor, in, to, out of, or upon the same lands and every part and parcel thereof, with their and every of their appurtenances.

III. THAT every such deed under this Act shall be chargeable with the Stamp duty stamp duty with which the same would have been chargeable in case it had been a release founded on a lease or bargain and sale for a year, and also with on release the same stamp duty (exclusive of progressive duty) with which such lease or lease, &c. bargain and sale for a year would have been chargeable.

IV. THAT in taxing any bill for preparing and executing any deed under for any deed this Act it shall be lawful for the taxing officer, and he is hereby required, in under this Act estimating the proper sum to be charged for such transaction, to consider, not on taxation the length of such deed, but only the skill and labour employed and not by length, responsibility incurred in the preparation thereof.

V. THAT any deed or part of a deed which shall fail to take effect by Deed failing virtue of this Act shall nevertheless be as valid and effectual, and shall bind by this Act the parties thereto, so far as the rules of law and equity will permit, as if this to be as valid Act had not been made.

or otherwise in deed to have schedule were inserted. include all houses, &c.

for a year. to be estimated but by skill, &c_

to take effect as if the Act had not been made.

VI. That in the construction and for the purposes of this Act schedules hereto annexed, unless there be something in the subject or repugnant to such construction, the word "lands" shall extend to all tenements and hereditaments, whether corporeal or incorporeal, and customary land as will pass by deed, or deed and admittance, and surrender, or any undivided part or share therein respectively; a word importing the singular number only shall extend and be a several persons or things as well as one person or thing, and the and every word importing the masculine gender only shall extend applied to a female as well as a male; and the word "party" shall reinclude any body politic or corporate or collegiate, as well as an individude any body politic or corporate or collegiate, as well as an individude any body politic or corporate or collegiate, as well as an individude any body politic or corporate or collegiate, as well as an individude and the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the

Schedules, &c. to form part of Act. Commencement of Act.

Extent of Act.

VII. THAT the schedules, and the directions and forms therein eshall be deemed and taken to be parts of this Act.

VIII. THAT the Act shall commence and take effect from and after day of October next.

IX. THAT this Act shall not extend to Scotland.

SCHEDULES to which this Act refers.

The FIRST SCHEDULE.

This indenture, made the day of one eight hundred and fortyfacilitate the conveyance of real property, between [here insert parties, and recitals, if any], witnesseth, that in consideration of sterling now paid by the said [grantee] or [grantees] to the said [grantors], (the receipt whereof is hereby by him or them acknowled or they the said [grantor] or [grantors] doth or do grant unto [grantee] or [grantees], his or their heirs and assigns for ever [parcels.] [Here insert covenants, or any other provisions.] It whereof the said parties hereto have hereunto set their hands and see

The SECOND SCHEDULE.

DIRECTIONS as to the Forms in this Schedule.

- 1. Parties who use any of the forms in the first column of this sche substitute for the words "covenantor" or "covenantee," or "receasee," any name or names, and in every such case corresponding substitutions shall be taken to be made in the corresponding for second column.
- Such parties may substitute the feminine gender for the mather the plural number for the singular, in any of the forms in the first of this schedule, and corresponding changes shall be taken to be mathered to be corresponding forms in the second column.
- 3. Such parties may introduce into or annex to any of the forms i column any express exceptions from or other express qualification respectively, and the like exceptions or qualifications shall be tall made from or in the corresponding forms in the second column.
- 4. Such parties may add the name or other designation of any persons, or class or classes of persons, or any other words, at the end of

of the first column, so as thereby to extend the words thereof to the acts of any additional person or persons or classes of persons, or of all persons whomsoever; and in every such case the covenants 2, 3, and 4, or such of them as shall be employed in such deed, shall be taken to extend to the acts of the person or persons, class or classes of persons, so named.

COLUMN I.

- 1. The said [covenantor] covenants with the said [covenantee],
 - 2. That he has the right to convey the said lands to the said [covenantee], notwithstanding any act of the said [covenantor];
 - and that the said [covenantee] shall have quiet possession of the said lands,i

4. free from all incumbrances.

5. And the said [covenantor] covenants with the said [covenantee], that he will execute such further assurances of the said lands as may be requisite.

COLUMN II.

- 1. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, in manner following; (that is to say.)
- 2. That for and notwithstanding any act, deed, matter, or thing by the said covenantor done, executed, committed, or knowingly or wilfully permitted or suffered, to the contrary, he the said covenantor now hath in himself good right, full power, and absolute authority to convey the said lands and other the premises hereby conveyed, or intended so to be, with their and every of their appurtenances, unto the said covenantee, in manner aforesaid, and according to the true intent of these presents.
- 3. And that it shall be lawful for the said covenantee, his heirs and assigns, from time to time and at all times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess, and enjoy the said lands and premises hereby conveyed, or intended so to be, with their and every of their appurtenances, and to have, receive, and take the rents, issues, and profits thereof, and of every part thereof, to and for his and their use and benefit, without any let, suit, trouble, denial, eviction, interruption, claim, or demand whatsoever of, from, or by him the said covenantor or his heirs, or any person claiming or to claim by, from, under, or in trust for him, them, or any of them.
- 4. And that free and clear, and freely and absolutely acquitted, exonerated, and for ever discharged, or otherwise by the said covenantor or his heirs well and sufficiently saved, kept harmless, and indemnified, of, from, and against any and every former and other gift, grant, bargain, sale, jointure, dower, use, trust, entail, will, statute, recognizance, judgment, execution, extent, rent, annuity, forfeiture, re-entry, and any and every other estate, title, charge, trouble, and incumbrance whatsoever, made, executed, occasioned, or suffered by the said covenantor or his heirs, or by any person claiming or to claim by, from, under, or in trust for him, them, or any of them.
- 5. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that he the said covenantor, his heirs, executors, or administrators, and all and every other person whosoever having or claiming, or who shall or may hereafter have or claim, any estate, right, title, or interest whatsoever, either at law or in equity, in, to, or out of the said lands and premises hereby conveyed, or intended so to be, or any of them, or any part thereof, by, from, under, or in trust for

COLUMN I.

6. And the said [covenantor] covenants with the said [covenantee], that he will produce the title deeds enumerated hereunder, and allow copies to be made of them, at the expence of the said [covenantee].

7. And the said [covenantor] covenants with the said [covenantee] that he has done no act to incumber the said lands.

COLUMN II.

him, them, or any of them, shall and will from time to time and at all times hereafter, upon every reasonable request and at the costs and charges of the said covenantee, his heirs or assigns, make, do, execute, or cause to be made, done, or executed, all such further and other lawful acts, deeds, things, devices, conveyances, and assurances in the law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said lands and premises hereby conveyed, or intended so to be, and every part thereof, with their appurtenances, unto the said covenantee, his heirs and assigns, in manner aforesaid, as by the said covenantee, his heirs and assigns, his or their counsel in the law, shall be reasonably devised, advised, or required, so as no such further assurances contain or imply any further or other covenant or warranty than against the acts and deeds of the person who shall be required to make or execute the same, and his heirs, executors, or administrators, only, and so as no person who shall be required to make or execute such assurances shall be compellable for the making or executing thereof to go or travel from his usual place of abode.

6. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that the said covenantor and his heirs shall and will, unless prevented by fire or other inevitable accident, from time to time and at all times hereafter, at the request, costs, and charges of the said covenantee, his heirs or assigns, or his or their attorney, solicitor, agent, or counsel, at any trial or hearing in any action or suit at law or in equity or other judicature, or otherwise, as occasion shall require, produce all and every or any deed, instrument, or writing hereunder written, for the manifestation, defence, and support of the estate, title, and possession of the said covenantee, his heirs or assigns, in or to the said lands and premises hereby conveyed, or intended so to be, and, at the like request, costs, and charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other copies or abstracts of the same deeds, instruments, and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds by the said covenantee, his heirs and assigns, or such person as he or they shall for that purpose direct and appoint.

7. And the said covenantor, for himself, his heirs, executors, and administrators, doth hereby covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that he hath not at any time heretofore made, done, committed, executed, or wilfully or knowingly suffered, any act, deed, matter, or thing whatsoever whereby or by means whereof the said lands and premises hereby conveyed, or intended so to be, or any part or parcel thereof, are, is, or shall or may be in anywise impeached, charged, affected, or incumbered, in title, estate, or otherwise howsoever.

Interpretation of terms.

V. That in the construction and for the purposes of this Act, and the schedules hereto annexed, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all tenements and hereditaments of freehold tenure, and to such customary lands as will pass by deed, or deed and surrender, and not by surrender alone, or any undivided part or share therein respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and the converse; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "party" shall mean and include any body politic or corporate or collegiate, as well as an individual.

Schedules, &c.

VI. THAT the schedules, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act.

VII. THAT this Act shall commence and take effect from and after the first

Commencement of Act.

Extent of Act.

day of October.

VIII. THAT this Act shall not extend to Scotland.

SCHEDULES to which this Act refers.

The FIRST SCHEDULE

This indenture, made the day of one thousand eight hundred and forty— [or other year], in pursuance of an Act to facilitate the granting of certain leases, between [here insert the names of the parties, and recitals, if any], witnesseth, that the said [lessor] or [lessors] doth or do demise unto the said [lessee] or [lessees], his [or their] executors, administrators, and assigns, all, &c. [parcels], from the day of for the term of thence ensuing, yielding therefor during the said term the rent of [state the rent and mode of payment].

In witness whereof the said parties hereto have hereunto set their hands and seals.

The SECOND SCHEDULE.

DIRECTIONS as to the Forms in this Schedule.

1. Parties who use any of the forms in the first column of this schedule may substitute for the words "lessee" or "lessor" any name or names, and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the

corresponding forms in the second column.

3. Such parties may fill up the blank spaces left in the forms 4. and 5. in the first column of this schedule so employed by them with any words or figures, and the words or figures so introduced shall be taken to be inserted in the corresponding blank spaces left in the forms embodied.

4. Such parties may introduce into or annex to any of the forms in the first column any express exceptions from or express qualifications thereof

COLUMN I.

to show receipts;

and to rebuild in case of fire.

7. And that the said [lessor] may enter and view state of repair, and that the said [lessee] will repair according to notice.

8. That the said [lessee] will not use premises as a shop.

And will not assign without leave.

 And that he will leave premises in good repair.

 Proviso for re-entry by the said lessor on nonpayment of rent or nonperformance of covenants. COLUMN II.

the said term; and will, upon the relessor, or his agent, show the repremium paid for such insurance year; and as often as the said demised shall be burnt down or da and every the sums or sum of more recovered or received by the sexecutors, administrators, or assigns of such insurance, shall be laid out him in building or repairing the said or such parts thereof as shall be damaged by fire as aforesaid.

7. And it is hereby agreed, that for the said lessor, and his agents, times during the said term, to enter premises to take a schedule of the finade and erected thereupon, and condition of the said premises; and wants of reparation which upon st found, and for the amendment of writing shall be left at the premises, executors, administrators, and ass three calendar months next after well and sufficiently repair and make

8. And also that the said less administrators, and assigns, will no occupy the said premises or any par a shop, warehouse, or other place f trade or business whatsoever, or premises to be used for any such puthan as a private dwelling house, win writing of the said lessor.

9. And also that the said [lessed during the said term assign, transfe otherwise by any act or deed procur or any of them to be assigned, transunto any person or persons whoms consent in writing of the said [less administrators, or assigns, first had

10. And further, that the said [expiration or other sooner determinerm, peaceably surrender and yield lessor the said premises hereby appurtenances, together with all but and fixtures now or hereafter to be thereon, in good and substantial rejin all respects, reasonable wear and by fire, only excepted.

11. Provided always, and it is that if the rent hereby reserved, or shall be unpaid for fifteen days aft on which the same ought to have be no formal demand shall have been in case of the breach or nonperform covenants and agreements herein cor of the said lessee, his executors, a assigns, then and in either of such cas for the said lessor, at any time therese the said demised premises, or any preserved.

Creditor may also be examined.

If debtor fail to attend, or to make satisfactory answer, or shall appear to have been guilty of fraud, &c. he may be committed.

How order shall be executed.

Certain courts to have the like powers in original suits.

Application to commissioners, &c. under this Act or 7 & 8 Vict. c. 96. need not be made by counsel or attorney. Actual necessaries of judgment debtors, not

summoning him, touching the manner and time of his contracting his debt, the means or prospect of payment he then had, the property or means of payment he still hath or may have, the disposal he may have made of any property since contracting such debt; and such creditor shall also, if such commissioner or court shall think fit, be examined by the said commissioner or court touching his claim against the said debtor, and shall, if the debtor think fit, be interrogated before such commissioner or court by the said debtor touching the said claim against him; and it shall be lawful for such commissioner or court to make an order on the said debtor for the payment of his debt by instalments or otherwise; and in case such debtor shall not attend as required by the said summons, and shall not allege a sufficient excuse for not attending, or shall if attending refuse to disclose his property, or his transactions respecting the same, or respecting the contracting of the debt, or shall not make answer thereof to the satisfaction of the commissioner or court, or shall appear to such commissioner or court to have been guilty of fraud in contracting the debt, or of having wilfully contracted it without reasonable prospect of being able to pay it, or of having concealed or made away with his property in order to defeat his creditors, or if he appears to have the means of paying the same by instalments or otherwise, and shall not pay the same at such times as the commissioner or court shall order, or as the court shall have ordered in which the original judgment shall have been obtained or order made, then in any of the said cases it shall be lawful for such commissioner or the judge of such court to order such debtor to be committed, for any time not exceeding forty days, to the common gaol wherein the debtors under judgment and in execution of the superior courts of justice may be confined within the county, city, borough, or place in which such debtor shall be resident, or to any other gaol or debtors prison within the same county, city, borough, or place which shall by any declaration of one of her Majesty's principal secretaries of state be allowed as a place of imprisonment under this Act, so long as such declaration shall remain in force and unrevoked. [Rep., 32 & 33 Vict. c. 83. s. 20.]

II. And be it enacted, that every bailiff and messenger to whom any such order shall be issued, or who shall be acting as an officer of the high bailiff of Westminster or Southwark in the execution of any such order issued to such high bailiff, shall be thereby empowered to take the body of the person against whom such order shall be made, and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such order [Rep., 32 & 33 Vict. c. 83. s. 20.];

IV. And be it enacted, that the judge of every court of requests or conscience, and of every inferior court of record for the recovery of debts, and of every other court for the recovery of small debts, of which the judge is a barrister at law or special pleader, or an attorney of ten years standing of one of her Majesty's superior courts of common law at Westminster, in which court proceedings shall be had for the recovery of any debt or demand within the jurisdiction of the said court, shall have the like powers, in the suit instituted for recovery of such debt or demand, of examining the parties to the suit, and, upon occasion of pronouncing judgment therein, if judgment be given for the plaintiff, shall have the like powers of further examining the parties, and, in the several cases herein-before specified, of committing the defendant to prison, which he might exercise under the provision herein-before contained if judgment for such debt or demand had been obtained in his court, and the judgment creditor had obtained a summons for such defendant from the same court under this Act; and all the provisions of this Act shall be deemed to apply to such case, as if such summons had been obtained. [Rep., 32 & 33 Vict. c. 88. s. 20.]

VI. And be it declared and enacted, that in making application to any commissioner or court as aforesaid, or taking any proceedings under this Act, or under the Act of the last session of Parliament, intituled "An Act to amend the law of insolvency, "bankruptcy, and execution," . . . , it shall not be requisite for any party, whether creditor or debtor, to employ either counsel or attorney or solicitor. [Rep., 32 & 33 Vict. c. 83. s. 20.]

VIII. And whereas it is expedient to protect the actual necessaries of or belonging to judgment debtors from being seized in execution: Be it enacted, that from and after the passing of this Act the wearing apparel and bedding of any judgment debtor or his family, and the tools and implements of his

trade, the value of such apparel, bedding, tools, and implements not exceeding exceeding 51. in the whole the value of five pounds, shall not be liable to seizure under any in value, not execution or order of any court against his goods and chattels.

IX. And be it enacted, that it shall be lawful for her Majesty, with the Jurisdiction advice of her privy council, to enlarge the jurisdiction of any such court of of courts of requests or conscience, or inferior court of record for the recovery of debts, or may be other court for the recovery of small debts, to all debts and demands, whether enlarged, and on balance of account or otherwise, or damage arising out of any express or altered. implied agreement, not exceeding twenty pounds, and, in such cases as her Majesty, with the advice aforesaid, may think fit, to enlarge the district of any such court, or, where any part of the district of such court is comprised within the jurisdiction of any other like court, to contract the same, and also to make any alteration or regulation for the holding or sitting of any such court, both as to time and place, any thing in any Act constituting any such court to the contrary notwithstanding; and all powers and authorities now vested in any such court the jurisdiction or district whereof shall be so enlarged, or the district whereof shall be so contracted, shall apply and extend to the jurisdiction or district given or limited under the powers of this Act, and that as fully as if such jurisdiction or district had been given by the Act or Acts establishing or regulating such court and its proceedings; provided always, that no such order shall take effect in respect of any court which shall not have a judge who is either a barrister at law or special pleader, or an attorney of one of her Majesty's superior courts of common law at Westminster who shall have practised as an attorney for at least ten years; and in any court in which Appointment there shall be no judge qualified as aforesaid the person or persons to whom the appointment of judge, or, if there be no judge, to whom the appointment of any clerk of the court belongs, or the majority of such persons who shall be present at a meeting called for the purpose, shall within three calendar months next after the making of any such order, and also within three calendar months next after any vacancy of the said office of judge, appoint a judge, qualified as aforesaid, subject to the approval of her Majesty, to be signified under the royal sign manual; and in default of any such appointment as aforesaid it shall be lawful for her Majesty to appoint a judge, qualified as herein-before provided, for the court in which such default shall have been made; provided always, that no judge, clerk, or officer of any court whose emoluments shall be increased under this Act, nor any person or persons whose franchise or right of appointment to any office in any court shall become more valuable under this Act, shall be entitled to any compensation for any such increase of emoluments, or increased value of any such franchise or right of appointment, if the same, or the value of the same, shall be diminished or taken away by any alteration in the constitution of the said court, or otherwise, by Act of Parliament: Provided also, that notice of the intention of her Majesty, with the advice of her privy council, to take into consideration the expediency of making any such order, and of the time when the same will be considered, shall be given in the London Gazette one calendar month at least before the same shall be so considered.

X. And be it enacted, that every judge of any such court of requests or conscience, or inferior court of record for the recovery of debts, or other court for the recovery of small debts, shall be removable by the lord chancellor for behaviour or misbehaviour or incapacity.

to be seized in execution.

of judges of such courts.

Removal of ferior courts incapacity.

Who shall be competent to hold the court,

Appointing of a deputy to act during the absence of the judge. XI. AND be it enacted, that in all cases of debts and demands which were not within the jurisdiction of the court before the passing of this Act, and also whenever the number of commissioners present at any court shall not be sufficient for the trial of causes according to the constitution of the court before the passing of this Act, the judge shall act alone, with all the powers of the court, and shall determine all questions, as well of fact as of law, in the causes which shall be brought before him.

XII. AND be it enacted, that in all cases of illness or unavoidable absence, the cause whereof shall be entered in the minutes of the court, it shall be lawful for the judge, or, in case of the inability of the judge, for the commissioners, or the person or persons to whom the appointment of the judge belongs, to appoint a deputy, qualified as is herein-before provided in the case of the judge, to act for him during such illness or unavoidable absence; and it shall also be lawful for the judge, with the approval of the person or persons to whom the appointment of judge belongs, and of one of her Majesty's principal secretaries of state, to appoint a deputy, qualified as aforesaid, to act for him for any time or times not exceeding in the whole one calendar month in any consecutive period of twelve calendar months; and any deputy so appointed, while acting under such appointment, shall have all the powers and perform all the duties of such judge: Provided always, that, independently of the power herein contained, every judge shall have the same power of appointing a deputy or deputies to hold his court for all cases of debts and demands within the jurisdiction of the court as it was constituted before the passing of this Act which he has under the Act or Acts according to which the court is now constituted, and that such deputy or deputies, if qualified as is herein-before provided in the case of the judge, or, in the case of any deputy appointed before the passing of this Act, if approved by one of her Majesty's principal secretaries of state, shall have in all cases within the extended jurisdiction of the court the powers and privileges, and be subject to the same liabilities, and perform all the duties of such judge, while acting under such appointment.

Execution of process in Westminster and Southwark.

XIII. And be it enacted, that, until Parliament shall otherwise direct, the execution of all process issuing out of any of the last-mentioned courts, the jurisdiction of which shall include the city and liberty of Westminster or any part thereof, shall belong to the high bailiff of Westminster, and out of any court the jurisdiction of which shall include the borough of Southwark, or any part thereof, shall belong to the high bailiff of Southwark.

XIV. And be it enacted, that the judge of any such court the jurisdiction

or district whereof shall be extended under the powers of this Act shall, sub-

ject to the approval of one of her Majesty's principal secretaries of state, frame

Power for judges of courts whose jurisdiction is enlarged or districts altered to frame tables of fees.

a table of fees to be payable by the suitors of such court or courts in respect of every proceeding therein; and a table of such fees shall be put in some conspicuous place in the court house and in the clerk's office; and the fees on every proceeding shall be paid, in the first instance, by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding and all such fees shall be received by the clerk or clerks of such court, who shall account to the other officers of such court for the amount or proportion thereof which shall be payable to them respectively, and shall also in the

month of March in every year render to one of her Majesty's principal secretaries of state an account of all such fees which shall have been received in the

Fees to be received and accounted for. year ending on the last day of December then next preceding: Provided Fees may be always, that it shall be lawful for the secretary of state to lessen the amount secretary of of the fees to be taken in any one or more of the courts the jurisdiction or state, within district whereof shall be extended as aforesaid, in such manner as to him shall fixed by seem fit, and again to increase such fees, so that the scale of fees given in the schedule (C.) schedule to this Act marked (C.) be not in any case surpassed: Provided also, Proviso that in all cases where any judge, clerk, or other officer of any such court shall where judges have been paid by salary instead of fees, such judge, clerk, or other officer paid by shall continue to receive such salary in respect of the business now within the jurisdiction of such court, and, in respect of the business under the powers of this Act, such fees applicable thereto as are set out in the said schedule (C.), or such additional salary instead of such fees as the secretary of state shall direct; and all sums payable in the name of fees to any such judge, clerk, or other officer, over and above the amount of such salary, shall be applicable for such purposes and in the manner prescribed by the Act or Acts of Parliament under which such court is constituted; and that in awarding compensation to any judge, clerk, or officer of any such court, under the provisions of the said Act of the last session of Parliament, account shall be taken of the fees and emoluments to which he shall become entitled under this Act, and any increase of his fees and emoluments under this Act shall go in diminution of the amount to be awarded to him for such compensation.

XVI. PROVIDED always, and be it enacted, that nothing herein-before con- Fees, &c. tained shall extend to or affect any fees or salary payable by virtue of any existing Act or Acts for business or proceedings in any court for the recovery of small debts, except such business or proceedings as shall be had under or by virtue of this Act; but it shall be lawful for the judge of any court, with the Power to alter approval of one of her Majesty's principal secretaries of state, to alter the fees receivable under the Act or Acts under which his court is now constituted, but not so as to exceed the scale of fees given by such Act or Acts respectively.

any existing Acts not to be affected.

XVII. AND be it enacted, that for raising a fund for providing a court Poundage house and offices for any court of requests, or other court for the recovery of small debts, and for other purposes herein-after mentioned, the clerk or clerks be demanded of any such court in which and while it shall be necessary to raise such fund and when shall demand and receive from the plaintiff in every suit brought in that received shall court, before he shall issue any summons in that suit, the sum of sixpence when the debt or damage claimed shall not exceed twenty shillings, and for every claim exceeding twenty shillings one fortieth part thereof (neglecting and paying any sum less than three-pence in estimating such fortieth part), or other such expences of sum, in either case not exceeding the rates herein-before mentioned, as the secretary of state from time to time shall order, which sum shall be paid in all cases in the first instance by the plaintiff upon suit brought in such court, and shall be considered as costs in the cause; and the clerk or clerks of the court shall keep an account of all monies so paid to him or them, and shall account for the same to the judge of such court for the time being, and the amount thereof shall accumulate, to form a general fund for such court, and shall be applied in providing a court house and offices, or in defraying the rent and taxes, stationery, and other necessary expences of holding and carrying on the business of such court, in such manner as the court for the time being, with the approval of the secretary of state, shall direct.

claimed may be carried to a Summonses to witnesses.

Penalty on witnesses for default.

Annual lists of unclaimed suitors' money to be made out and put up in the court and clerk's office.

All suitors' money paid into court, and unclaimed for six years, to vest in judge, and form a general fund for payment of debts and expences of court.

Power to remove suits for sums exceeding 10l. into superior courts.

Power to execute warrants and levy

XVIII. And be it enacted, that either of the parties to the suit of proceeding before any such commissioner or in any such court : summonses to witnesses, to be served by a messenger or bailiff, with a clause requiring the production of books and writings in their p control, and in any such summons any number of names may be ins every person on whom any such summons shall be personally ser the jurisdiction of the court, and to whom at the same time paymer of his expences shall have been made, on such scale of allowance from time to time settled by the Court of Bankruptcy or judge court as aforesaid, as the case may be, with the approval of one of he principal secretaries of state, and who shall refuse or neglect, withou cause, to appear, or to produce any books or writings required by mons to be produced, and also every person present in court w required to give evidence, and who shall refuse to be sworn and gi shall forfeit and pay such fine, not exceeding five pounds, as the comjudge shall set on him, and payment of such fine shall be enfor manner as payment of any debt recovered by judgment of any cou tent jurisdiction; and the whole or any part of such fine, in the the judge, after deducting the costs, shall be applicable toward in the party injured by such refusal or neglect, and the remainder be applicable to the expences of the court in which the fine was in

XIX. And be it enacted, that the clerk or clerks of every such of the month of March in each year make out a correct list of all surbelonging to suitors in the court which shall have been paid into which shall have remained unclaimed for the space of twelve caler before the first day of the month of January, specifying the magnetic parties for whom or on whose account the same were so paid into a copy of such list shall be put up and remain during court hours is spicuous part of the court house, and at all times in the clerk's office.

XX. And be it enacted, that all sums of money which shall have into any such court to the use of any suitor or suitors thereof shall have remained unclaimed for the period of six years before of this Act, and which are now in the hands of any commission judge, or officer of such court, or otherwise held in trust for such all further sums of money which shall hereafter be paid into any state use of any suitor or suitors thereof, shall, if unclaimed for the six years after the same shall have been so paid into court, vest into the judge or judge and commissioners of such court for the titrust for the general purposes of such court, and shall form a growth for the payment of all debts due on behalf of the court, and the expences of holding or carrying on the business of such court.

XXI. And be it enacted, that any suit to be instituted in any wherein the claim or demand shall exceed the sum of ten pour removable by certiorari or otherwise into any of her Majesty's su of common law at Westminster, or into the Court of Communication, by leave of a judge of any one of the said courts, and terms as he shall order.

XXII. And be it enacted, that in all cases where final judgment been obtained in any such court, and a warrant or execution shall

of jurisdiction.

against the goods and chattels of the defendant, or an order for his commit-executions out ment shall have been made, under this Act, and the defendant, or his goods and chattels, shall be out of the jurisdiction of such court, it shall be lawful for the officer charged with such warrant, execution, or order of commitment to apply to any justice of the peace acting for any county, division, or place in which the defendant, or his goods and chattels, shall then be, upon proof being made upon oath (which oath such justice shall be empowered to administer) that the person or goods and chattels of such defendant is or are believed to be within the county, division, or place where such justice of the peace shall act, such justice of the peace shall sign or endorse his name upon the said warrant, execution, or order of commitment, and thereupon the said officer charged therewith shall take and seize the person or the goods and chattels of the defendant, wheresoever the same shall be found within the county, division, or place for which such justice of the peace shall act, and all constables and other peace officers shall be aiding and assisting within their respective districts in the execution of the said warrants, executions, or orders.

XXIII. AND be it declared and enacted, that all the enactments of the said Provisions of Act of the last session of Parliament, and of the several Acts under which the said several courts are now held or constituted, shall within their several shall apply districts be deemed to apply to every proceeding under this Act, so far as the under this Act, same are applicable, and not repugnant to the provisions of this Act.

XXIV. AND be it enacted, that in the construction of this Act the word Interpretation "judge" shall be construed to include every person, being either a barrister "judge," at law or a special pleader, or an attorney of one of her Majesty's superior courts of common law at Westminster who shall have practised as an attorney for at least ten years in one of her Majesty's superior courts of common law at Westminster, who, according to the constitution of the court, presides in any such court as aforesaid, or acts as judge or assessor therein, whether by the title of judge, or barrister, or county clerk, assessor, or steward or deputy steward, or by any other style or title whatsoever; and the word "person" shall include a body corporate; and every word importing the singular number and number or masculine gender shall include also several persons or things, and females as well as males, unless the context shall require another construction.

XXV. And be it enacted, that this Act shall apply only to England.

Extent of Act.

SCHEDULES to which this Act refers.

Schedu	E (C.)				
Judge's Fres.	On demands not exceeding 40s.	On demands not exceeding 51.	On demands exceeding 5l. and not exceeding 10l.	On demands exceeding	
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SCHEDULE (C.)-cont.

CLERK'S FEES.		On demands not exceeding 40s.		On demands exceeding 40s. and not exceeding 51.		On demand exceedin 51, and no exceedin 101,	
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For entering every plaint, petition, or note -	0	6	1	0	1	6	
Issuing every summons or subpœna	0	6	1	0	1	6	
Every hearing or trial	1	0	1	6	2	0	
Adjournment of any cause or hearing -	0	3	0	4	0	6	
Swearing any witness, plaintiff, or defendant	0	4	0	6	0	8	
Entering and drawing up every judgment,	41-120	12.7	1	4	100		
decree, or order	0	6	1	0	1	0	
Copy of every order or judgment	0	3	0	6	1	1	
Every nonsuit	0	6	1	0	2	-	
Paying money into court, and entering same	0	9	0	1	0	1	
in books Every receipt on payment of money out of	0	3	0	*	0	1	
court, exclusive of stamp -	0	4	0	6	1111	-	
Issuing every attachment, precept, order, or				0	1		
execution	1	0	1	6	2	-	
Taking recognizance of security for costs -	NUAL	100	12/11	-	2 2	1	
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CHAPTER CXXVIII.

An Acr to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases. [9th August 1845.]

MI HEREAS by an Act passed in the fifth year of the reign of King George the Fourth, intituled "An Act to consolidate and amend the laws 5 Geo. 4. " relative to the arbitration of disputes between masters and workmen," it c. 96. s. 18. was enacted, amongst other things, that "with every piece of work given out " by the manufacturer to a workman to be done there shall (if both parties are " agreed) be delivered a note or ticket in such form as the said parties shall " mutually agree upon:" And whereas it is expedient that, so far as relates to silk weavers, such further provision should be made for delivery to them of a note or ticket of work as herein-after is expressed: Be it therefore enacted by Manufacturer the Queen's most excellent Majesty, by and with the advice and consent of the of silk goods, or his agent, lords spiritual and temporal, and commons, in this present Parliament to deliver assembled, and by the authority of the same, that . . . when any manufacturer of silk goods or of goods made of silk mixed with ticket of work, other materials, or the agent of any such manufacturer, gives out to a weaver tain particulars, of such goods a piece of warp to be woven, such manufacturer or agent shall unless both at the same time deliver to such weaver (unless both parties shall by writing writing disunder their respective hands agree to dispense therewith) a printed or written pense thereticket, signed by such manufacturer or agent, containing the following particulars of the agreement between such manufacturer or agent and such weaver; (that is to say,)

to weaver with warp a

The count or richness of the warp or cane:

The number of shoots or picks required in each inch:

The number of threads of weft to be used in each shoot:

The name of the manufacturer, or the style of the firm under which he carries on business:

The weaver's name, with the date of the engagement:

And the price in sterling money agreed on for executing each yard imperial standard measure of thirty-six inches of such work in a workmanlike manner:

And such manufacturer or agent delivering such ticket shall make or cause to Manufacturer be made, and shall preserve until the work contracted to be done shall have or agent to been completed or paid for, a duplicate of such note or ticket.

II. And be it enacted, that in the event of any dispute between the manu- Ticket and facturer or his agent and the workmen, such ticket and the said duplicate thereof shall be required to be produced, and shall, together or either of them, cases of disbe evidence of all things mentioned therein, or respecting the same.

III. PROVIDED always, and be it enacted, that where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered dispute is as to to any manufacturer or his agent, such piece of work shall be produced, in proper execuorder to adjudication, or if not produced shall be deemed and taken to have produced shall be deemed to been sufficiently and properly executed.

IV. And be it enacted, that if any of the parties to the said complaint shall perly executed. make oath before any justice having cognizance of such complaint that he or summoning she believes that the attendance of any person as a witness will be material witnesses. to the hearing of such complaint, such justice may summon such person,

duplicate.

evidence in pute.

Work to be produced, if have been pro-Power of

Penalty on witnesses for default.

Service of

Levying and application of penalty.

3 Geo. 4. c. 46.

No certiorari to be allowed.

Distress not unlawful for want of form, &c. having been paid or tendered a reasonable sum for his expences, to appear and give evidence on oath before him at a time and place set forth in the said summons; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not make excuse for the default to the satisfaction of such justice, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such justice may adjudge such person so making default in appearing or refusing to give evidence to pay such penalty, not exceeding five pounds, as such justice shall think fit, and the party so adjudged to pay such penalty shall pay the same accordingly.

V. AND be it enacted, that every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, twenty-four hours at least before the time appointed by the summons for such person to appear.

VI. And be it enacted, that if any such penalty or costs so adjudged by any justice to be paid is not paid immediately upon adjudication, such justice may issue his warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same for the amount thereof, with costs; and the proceeds of such distress, after paying the penalty and costs, and the costs of such distress and sale, shall be paid over to the person convicted; and the said penalty shall be paid over to the sheriff or other proper officer of the county, city, borough, or place in which such conviction shall take place, for her Majesty's use, and shall be returned to the court of quarter sessions, under the provisions of an Act passed in the third year of the reign of King George the Fourth, intituled "An Act for the more speedy return and levying of fines," penalties, and forfeitures, and recognizances estreated."

VIII. And be it enacted, that no order or conviction or proceeding touching the same respectively shall be quashed for want of form, or be removed by certiorari or otherwise into any of her Majesty's superior courts of record; and that when any distress shall have been made for levying any money by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons, warrant, conviction, warrant of distress, or other proceedings in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for special damage (if any) by action on the case.

9 & 10 VICTORIA, A.D. 1846.

STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER THE NINETEENTH DAY OF August, A.D. 1841,

IN THE FIFTH YEAR OF THE REIGN OF QUEEN VICTORIA, AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE TWENTY-SECOND DAY OF JANUARY, A.D. 1846, Being the Sixth Session of the Fourteenth Parliament of the United Kingdom of Great Britain and Ireland.

CHAPTER I.

An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in Ireland. 5th March 1846.]

TATHEREAS an Act was passed in the first year of her present Majesty's reign, intituled "An Act to amend the Acts for the extension and 7 will. 4. & " promotion of public works in Ireland," reciting an Act of the first and 1 Vict. c. 21. second years of his late Majesty King William the Fourth, intituled "An Act 1 & 2 Will. 4. " for the extension and promotion of public works in Ireland," the provisions c. 33. whereof were amended and extended by an Act passed in the then last session 6 & 7 Will. 4. of Parliament, and that the commissioners acting under and in execution c. 108. thereof were authorized to make advances by way of loan to a certain amount in the said Acts limited, in aid of the execution of public works in Ireland, and were also authorized to make advances for the like purpose by way of grant in aid of the construction of certain works to an amount not exceeding in the whole the sum of fifty thousand pounds, and that it was expedient, with a view to the further promotion of public works in Ireland, and the employment of the labouring population, that the said commissioners should be enabled to make advances to an additional amount by way of grant, and that provision should be made for making advances for the execution of public works under certain circumstances partly by way of loan and partly by way of grant; that is to say, by loan to the extent of one moiety of such advances. and by grant to the extent of the other moiety thereof; and by the said firstrecited Act it is enacted, that it should and might be lawful to and for the commissioners for the execution of the said recited Acts, under the like conditions and regulations, and for the purposes of the said therein-recited Acts and the said first-recited Act, to make additional advances by way of grant to an amount not exceeding in the whole the sum of fifty thousand pounds, and for the commissioners of her Majesty's Treasury, or any three or more of them, to cause to be issued from time to time as they might find necessary, out of the growing produce of the consolidated fund of the United Kingdom of Great Britain and Ireland arising in Ireland, (in addition to the sum of fifty thousand pounds therein recited to which the issues for the purposes of the grant to be

1 & 2 Viet. c. 88, s. 14.

1 & 2 Will. 4. c. 33.

6 & 7 Vict. c. 44. s. 17. made under the therein-recited Acts were limited,) any further sum or sums money not exceeding in the whole the sum of fifty thousand pounds, to applied to the purposes of the said recited Acts and the said first-recited Act And whereas by another Act passed in the first and second years of her press Majesty, intituled "An Act to authorize a further issue of Exchequer bills "public works and fisheries, and employment of the poor; and to amend a "Acts relating thereto," it is enacted, that it should be lawful for the comissioners of her Majesty's Treasury to appropriate out of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of the sum of

hundred thousand pounds in Exchequer bills authorized to be advanced un the authority of the said Act any sum or sums in Exchequer bills not exceing fifty thousand pounds in the whole, for the promotion and extension public works in Ireland, to be applied by the commissioners appointed un the authority of an Act of the first and second years of the reign of his

Majesty King William the Fourth, intituled "An Act for the extension "promotion of public works in Ireland," to the purposes and under provisions of the said Act: And whereas of the said sum of fifty thous

pounds so made applicable under the said last-mentioned Act the sum of thousand pounds was applied to grants, the remaining forty six thous pounds having been issued by way of loan: And whereas by another

passed in the sixth and seventh years of her present Majesty, intituled "Act to amend the Acts for carrying on public works in Ireland," a reciting as therein recited, it is enacted, that it shall be lawful for the or

missioners of her Majesty's Treasury to order that out of such monies as a after the passing of the said Act may be in the Exchequer, or as may thereafter paid into the Bank of England to the credit of her Majes Exchequer in repayment of loans made for public works in Ireland, any

or sums of money not exceeding the sum of twenty-one thousand pounds to be set apart and appropriated for grants by the said commissioners of puworks, with the approval of the said commissioners of her Majesty's Treas

in such and the same manner as the said sum of twenty-one thousand por might have been used and applied for grants if the same had not been therein mentioned, inadvertently applied for the purposes of loans: whereas of the said several sums so authorized to be advanced under the

recited Acts a sum of one hundred and eighteen thousand and ninety-t pounds nineteen shillings and eight-pence has been advanced and paid applied for the purposes of the said Acts in the way of grant, leaving a

of six thousand nine hundred and six pounds and four-pence still unapplied

available for such purposes; and it is expedient to increase the sum so avail and to authorize the commissioners of her Majesty's Treasury to issue a fur sum from the consolidated fund for the purposes of the said Acts and this

or any of them; and it is also expedient to amend the said recited Act of first year of her present Majesty, and extend its provisions to other ce Be it therefore enacted by the Queen's most excellent Majesty, by and with the and consent of the lords spiritual and temporal, and commons, in this present Pa

ment assembled, and by the authority of the same, that it shall and may be Is for the commissioners of public works in Ireland acting in execution of the said reacts, under the like conditions and regulations, (save as herein-after provided,) and the purposes of the said recited Acts and this Act, to make additional advances by of grant to an amount not exceeding in the whole the sum of fifty thousand por

and for the commissioners of her Majesty's Treasury of the United Kingdom of (Britain and Ireland, or any three or more of them, to cause to be issued from time

The commissioners of public works in Ireland may make additional grants to the extent of 50,000%. for the purposes of the recited Acts and this Act.

time as they may find necessary, out of the growing produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, in addition to the said several sums herein-before mentioned, any sum or sums of money not exceeding in the whole the said sum of fifty thousand pounds, to be applied for the several purposes of the said Acts and this Act, or any of them, in relation to grants. [Rep., Stat. Law Rev. Act, 1875.]

II. And be it enacted, that all and every the provisions, regulations, powers, Provisions of privileges, advantages, forfeitures, and disabilities contained or expressed in former Acts the said recited Acts, or any Act amending the same, in respect of the grants grants under authorized to be made thereunder, shall (save as herein-after provided) be this Act. applied and extended to the grants to be made under authority of this Act, as fully and effectually, to all intents and purposes, as if the same were herein repeated and re-enacted.

III. AND whereas by the said recited Act of the first year of her present 7 will. 4. & Majesty it is, amongst other things, enacted, that if any three or more justices 1 Vict. c. 21. of the peace, not being stipendiary magistrates, in and for any county, county of a city, or county of a town in Ireland, shall think it expedient to make application for the construction of any public work on the terms and under the regulations therein-after contained for the repayment of a moiety of the expence of executing such work, it shall and may be lawful for them, by notice under their hands, to be posted on the places appointed for posting notices of applications to presentment sessions in the barony or half barony or place in which such work is proposed to be executed, to convene a special meeting of the justices and cess-payers associated with such justices at the last special or presentment sessions held in such barony or half barony or place for the purposes of an Act passed in the then last session of Parliament. intituled "An Act to consolidate and amend the laws relating to the present-" ment of public money by grand juries in Ireland;" and such meeting shall be held at the place appointed for the holding of such special or presentment sessions, at such time as shall be specified in such notice, not being sooner than seven days from the time of posting such notice; and the senior justice present at such meeting shall preside thereat, and shall have, in addition to his vote, a casting voice in case of an equality of voices; and, if a majority of such justices and cess-payers assembled at such special sessions shall so think fit, the chairman shall apply by memorial to the lord lieutenant or other chief governor or governors of Ireland on behalf of the justices and cess-payers assembled at such sessions, praying that the work described in such memorial may be executed, and that a sum, not exceeding the amount in such memorial mentioned, may be advanced for that purpose, a moiety thereof to be repaid by grand jury presentment as therein-after mentioned: And whereas by reason of a deficiency of magistrates residing in certain districts it is difficult to obtain the concurrence of three justices of the peace in convening any such special meeting as aforesaid, and it is therefore expedient to amend the said provision: Be it Two justices therefore enacted, that from and after the passing of this Act it shall and may and three be lawful for any two justices of the peace (not being stipendiary magistrates) cess-payers associated in and for any county, county of a city, or county of a town in Ireland, and any with them at three cess-payers associated with the justices at the then last special or present. or presentment ment sessions as aforesaid held in and for the barony, half barony, or place sessions may wherein any public work is proposed to be executed under the provisions of meeting of the said first recited Act and this Act, (as far as the same are applicable,) by justices and cess-payers

for making an application to the lord lieutenant for the execution of any public works under recited Act.

notice under their hands, to be posted as in the said lastsion directed, to convene any such special meeting of the just
payers for such purposes and subject to such regulations as in
recited provision mentioned; and every such special meeting so
be as valid and effectual for all and every the purposes of the sa
Act as if such meeting had been convened in such manner as in
recited Act prescribed; and the several provisions of the said fir
(subject to the variations thereof contained in this Act) shall applied to any such special meeting, and to the proceedings ther
cation for the execution of the works, the advance of monies, to
on account of the same, and to the several other matters and this
any such works applied for at such meeting.

Such special meeting may apply for advances for the repair or extension of any existing public works, as well as for construction of works.

IV. AND be it enacted, that it shall and may be lawful for ar meeting as aforesaid, convened in the manner in the said first-this Act prescribed, to make an application in like manner as at lord lieutenant or other chief governor or governors of Ireland f as aforesaid for the alteration, extension, or improvement of any public work, as fully and effectually as for the construction as aforebed public work; and the provisions of the said first-recited Act she be applied to any such alteration, extension, or improvement of public work, as fully and effectually as to the construction work.

Subsequent repairs of such public works to be provided for in same manner as repair of works for construction whereof grants have been made under 1 & 2 Will. 4. c. 33. &c.

V. And be it enacted, that whenever any such public work sl constructed, altered, extended, or improved under the provision recited Acts or this Act, it shall and may be lawful for the said of public works from time to time to take such proceedings and powers and authorities for or relating to the subsequent repair tenance of any such public work aforesaid, and such subsequent works of maintenance shall and may be executed, and the expendant may be provided for, raised, and repaid, in such manner a such provisions and regulations as by the said recited Act of second years of the reign of his late Majesty King William the I Act or Acts amending the same, are directed and provided in repair or maintenance of any road or bridge in aid of the construgrants may be made or have been made by the said commission works.

1 & 2 Will. 4. c. 33. VI. AND whereas by the said recited Act of the first and se the reign of his late Majesty King William the Fourth it is, a things, enacted, that it shall and may be lawful for the commiss execution of the said recited Act to make advances in aid of embankment, reclaiming, or other improvement of land, on the c gages, assignments, or other assurances of the estate and intereleasehold, in such land which is to be the subject of such drain ment, reclamation, or other improvement: Provided always, the made out to the satisfaction of such commissioners, by compet accompanied by the certificate of a skilful engineer or surveyor a the said commissioners, that such drainage, embankment, reclamation improvement, when completed, will increase the value of such late.

having limited estates only, to be obtained only on appli-cation to Court of Chancery 8 & 9 Vict. c. 56.

any person or persons under any legal disability or incapa tenants for life, or having only particular or limited estates or i lands whereon the same are to be charged, or whose estates t subject to any incumbrances whatever, unless, previous to the ma or advance, the person or persons to whom or on whose behalf th made shall have obtained the report of one of the masters of the Chancery in Ireland, authorizing such advance to be made, on a presented to the said court pursuant to the provisions of a certain the eighth and ninth years of the reign of her present Majesty intituled "An Act to alter and amend an Act passed in the th " years of the reign of her present Majesty, intituled 'An " 'the owners of settled estates to defray the expences of dra " 'by way of mortgage,'" and such report shall have been absolutely confirmed according to the provisions of the same A provisions shall be applicable to advances to be made under t same manner as if the same were here repeated.

Corporations, and persons under legal disability or having limited estates, &c., may, under sanction of Chancery, improved to secure repayment of such loans for improvements, and give priority to such

Court of

charge

the lands

charges.

VII. AND whereas by reason of such advances in aid of perma ments of lands it may be expected that great benefit will accurately prietors thereof, and that the value thereof will be considerably i it is expedient, with the sanction of the High Court of Chancery, on such petition as aforesaid in manner aforesaid, to enable t and others having only particular estates, and persons under leg incapacity, or persons whose lands are incumbered, to charge monies so to be advanced for the purposes of such improv therefore enacted, that it shall and may be lawful for any corp ecclesiastical, sole or aggregate, and for the husbands, trustees, attornies of or for the owners or proprietors of, or for any con panies, or the directors thereof for the time being, interested i parts of any such lands in or for or in aid of the drainage, reclaiming, or other permanent improvement of which any advance shall be agreed to be made by the said commission works, in pursuance of the said last-recited Act, or the other A the same, and this Act, being under coverture, minors, lunatics, seas, or otherwise incapable of acting for themselves, and to an them for the time being, and to and for the owners and propriet lands, being tenants in tail or for life, or tenants in tail aft of issue extinct, or tenants by the courtesy or in dower, an whose estates are incumbered as herein-after mentioned, and to of them respectively for the time being, by and with the approbation of the High Court of Chancery, to be obtained aforesaid, by indenture or indentures under their respective has from time to time, and to which indenture or indentures one of missioners shall be an executing party, and before obtaining ar account of such loan from the said commissioners, subject to such and conditions as are herein-after provided, to charge the said la sum or sums of money which the said commissioners shall advan in aid of any such drainage, embankment, reclaiming, or oth improvement thereof as aforesaid; and for securing the repaym ments of such sum or sums of money which the said commissi of land in Ireland empowered to borrow money from the commissioners. incorporated by Act of Parliament or by royal charter for the in land in Ireland, or for reclaiming land in Ireland, to convene a meeting of the shareholders, with such notice as may be rerespective Act or charter of incorporation, and specifying in su object of such meeting, and to submit to such meeting a borrowing money under the provisions of this Act; and if the r shareholders present at such meeting shall authorize the directo sum of money under the provisions of this Act, it shall and may the said commissioners of public works, if they shall think fit, u cation of the trustees or directors of such society or company, t sum of money not exceeding the sum by such resolution of the s authorized, upon the security herein-after mentioned; and sudirectors shall and may mortgage, assign, or charge all or an property of such society or company, or all or any of the inte society or company in the leases of lands which they may have purpose of improvement, or the monies to arise from the sa disposal of such lands or any of them, for securing the repayn to the provisions of this Act, of the money so advanced, although such society or company may not have power, indepen Act, to borrow money, or may have special powers of borrowing not have arisen; and the securities made under the provision shall, so far as respects the property therein comprised, have property mortgages or charges subsequent in date and registry, any pro Acts or charters of incorporation of such societies or co withstanding.

X. AND whereas, under the said recited Acts of the first an sixth and seventh years of the reign of King William the Four save as therein excepted, to whom advances may be made for t person or persons, body or bodies politic or corporate, or company in Ireland, or for any other purpose, under the provisions of required, besides the securities in each case respectively therein taken before any advance shall be made in respect of any loan a visions of the said Acts or of either of them, to make and enter some sufficient persons or person, to the satisfaction of the said of to make and enter into, a bond or obligation in writing to the sec time being of the said commissioners, together with a warrant of confessing judgment thereon, binding the obligors or obligor th their, his, or her heirs, executors, or administrators, in such penal commissioners should direct, conditioned to be void, as in the s tioned: And whereas it may be convenient that such bond as attorney should be dispensed with in the case of bodies politic or incorporated societies or companies: Be it enacted, that it shall the said commissioners, when they shall think fit, to receive application make any loan or advance, under the provisions of the said recited Act, to or for the use or in aid of any body or bodies politic or corpo porated society or company, without requiring such bond or warran to be made or entered into as aforesaid; and the said commission they shall think fit, in lieu thereof require such security, under the such body politic or corporate, or incorporated society or company

Commissioners may receive applications for loans from companies without the bond required by 1 & 2 Will. 4. c. 33. and 6 & 7 Will. 4. c. 108.,

the plural number shall extend and be applied to one person or as several persons or things; and every word importing the maonly shall extend and be applied to a female as well as a male.

CHAPTER II.

An Act to authorize Grand Juries in Ireland, at the Spring present Year, to appoint Extraordinary Presentment empower such Sessions to make Presentment for County to provide Funds for the Execution of such Works; and a for the more prompt Payment of Contractors for Works Jury Presentments in Ireland.

Contractors for county works in Ireland shall pay labourers in money and not in goods, and at intervals of not more than fourteen days.

Penalty for default.

XX. AND be it enacted, that every contractor for the exe county work shall pay his labourers or artificers in money, and not more than fourteen days; and if any contractor shall direct attempt to persuade or induce any labourer in the employmen tractor to take goods in lieu of such wages, or to expend his particular shop, or for any particular purpose, he shall be lial moned before the justices assembled at any petty sessions, on coparty aggrieved, or any other person, and such justices are her to hear such complaint, and adjudicate thereon; and if such cont convicted thereof he shall forfeit and pay such sum not exceeding as to such justices shall seem fit; and if any contractor shall : any labourer in his employment, at intervals of not more than all wages that may be due to him, save and except the wages week, he shall be liable to be summoned before the justices asse petty sessions, on complaint of the party aggrieved, for recovery or money payable to any person employed by him in the exec works, so as the sum demanded shall not exceed six pounds, and assembled as aforesaid are hereby authorized and required to he plaint, and adjudicate thereon, and it shall be no defence to so that such contractor has not himself received any payment of contract, and the decision of such justices shall be final; and the to be due shall be levied by warrant of distress, under hand as two such justices, off the goods and chattels of such contractor.

CHAPTER III.

An Act to encourage the Sea Fisheries of Ireland, by promoting with Grants of public Money the Construction of Piers, other Works.

[5th]

W HEREAS it is necessary, for the encouragement and prodeep sea fisheries of Ireland as a source of employmen provide funds, partly by way of grant and partly by way of Grants.
the purposes of this Act.

Conditions of such grants. pounds, and for the said commissioners of her Majesty's Treasury to cau from time to time as they may find necessary, out of the growing produsolidated fund of the United Kingdom of Great Britain and Ireland, an of money not exceeding in the whole the said sum of fifty thousand applied to the purposes of this Act in the manner and on the conditionmentioned and specified concerning the same. [Rep., Stat. Law Rev. A

IV. AND be it enacted, that the conditions upon which any saforesaid, under the provisions of this Act, shall be made, shall be that is to say,)

First.—That any such grants may be made for constructing making, reconstructing, repairing, or improving, on or near of Ireland, such small harbours, piers, quays, landing slips roads of approach thereto respectively, and such navigable shoals, or for connecting adjacent bays or inlets, and beacons, or small harbour lights, and other works of a like tively, as the said commissioners shall deem necessary or a encouragement and promotion of the sea fisheries of Ireland

Second.—That such works shall be executed, constructed, me kept in repair by and under the directions of the said com the execution of this Act, and such works shall, with any last or acquired under the provisions of this Act, be deemed an public property, and be for that purpose absolutely vested commissioners and their successors:

Third.—That any grant for any one such work shall not exceed in sum of five thousand pounds [Rep., 29 & 30 Vict. c. 45. s. 2.]:

Fourth.—That the amount of any such grant shall not exceed of the total actual cost of any such work, and that such made only upon the condition that the repayment of the stotal actual cost of such work, with interest, shall be secure be secured by the county, district, or proprietors of lands when herein-after directed, ought in the opinion of the said comprovide for securing the same.

V. And be it enacted, that in all cases of grants of mone provisions of this Act, for defraying a portion of the total actual works, the amount of the residue of such cost shall, with the apcommissioners of her Majesty's Treasury, be supplied and advance monies applicable to loans at the disposal of the said commission works under the provisions of the said recited Act, or any amending the same; and the repayments of such residue so lent a with interest thereon at such rate as the said commissioners of shall approve, shall be received and recovered in such manner a provided, and when so received or recovered shall be paid over a by the said first-recited Act, or any Act or Acts amending the ments of loans for public works are directed to be paid over and a

VI. And be it enacted, that it shall and may be lawful for residing or being proprietor or occupier of land in any distadjacent to the sea coast of Ireland to apply by memorial to the sioners, stating the advantage of or the necessity for the construsuch work as aforesaid, or the improvement of any such existing praying that such district or place may be examined, and such we

Loans.

In cases of grants, loans shall be made by the commissioners of public works to defray the residue of the cost of works.

Recovery and application of sums so advasteed.

Preliminary proceedings.

Application by memorial for the execution of works.

Preliminary proceedings.

preliminary inquiries.

Repayment of such advances.

said commissioners for the execution of this Act, to be by th providing for the expences of procuring and prosecuting any sue examinations or inquiries as herein-before mentioned; and in e in which any portion of such monies so advanced and issued sha by the said commissioners such sum of money shall be repaid dated fund by the said commissioners (as in cases of repaymen public works) from and out of any funds or monies to be recei or raised by them for defraying the costs, charges, and expences be incurred in the execution of such work : Provided always, the where the expences of any such preliminary investigation a aforesaid as to any proposed works shall have been defrayed out so advanced and issued as last aforesaid by the commissioners of Treasury, and the presentment or assents as required by this works shall not have been obtained within a time to be limit commissioners, the amount of such expences shall be paid to th sioners for the execution of this Act by the person or parties applied by memorial in such case, and by said last-mentioned be paid over to the consolidated fund in the manner aforesaid.

Commissioners may report to Treasury, andrecommend a grant.

Provisional approval by

Treasury.

Provisional declaration to be made by commissioners as to works. and proportion of grants and loans for the same, and as to districts to be charged with repay-ment of loans.

X. AND be it enacted, that if upon any such survey or ex report as aforesaid the said commissioners shall approve of the p or any modification of the same, or other works in lieu therec fit to recommend that a grant should be made for the execution they shall forward to the commissioners of her Majesty's Tro upon such case, with such information as may be required, an mendation of the work approved of by them, and the amount of in their opinion might properly be advanced by way of grant fo of such work; and if the said commissioners of the Treasury provisionally to approve of the work so recommended, or as thereof, and the amount of grant recommended, or any modifi it shall be lawful for the commissioners of the Treasury to sig visional approval of the same respectively, and to specify t allowed for the repayment, and the rate of interest to be ci such sum of money as may be required by way of loan to def of the total cost of the work so approved of by them, over amount of money to be advanced for the same by way of grant

XI. And be it enacted, that by such survey or examination otherwise, as the said commissioners shall think fit, they shall determine the county or counties, the district, or the lands of persons, as the case may be, which in their opinion will be be proposed works, and, having regard to the regulations herein-af ought in their opinion to secure or become chargeable with the such portion of the total cost of such works as shall be advan loan; and the said commissioners shall, upon receiving from the of the Treasury their provisional approval as aforesaid, cause to provisional declaration under their hands, describing, by referen otherwise, the works proposed to be executed as provisionally aforesaid, and the estimated cost thereof, with the respective such cost to be supplied by way of grant and by way of loan Preliminary proceedings.

Notice to be given to parties interested to transmit their objections, if any, to the commissioners.

Meetings of parties interested may be called.

Objections to be heard and declaration finally settled.

Matters provisionally approved by Treasury not to be altered without their consent. shall think proper within the county or counties, or in or in the district or lands, as the case may be, which it is proposed chargeable with the repayment of any money advanced by v such works; and all persons shall be at liberty to inspect or or extracts from such declaration, maps, plans, sections, or es may be so deposited; and notice of the time and place of such published in some newspaper usually circulated in the cour place in or near which said work is proposed to be made or c posted in such public places as the said commissioners shall t such county, or in or near such district or place as aforesaid notice all parties interested shall be required, on or before a be named, not sooner than two weeks from such publication aforesaid of such notice, to transmit to the secretary of th sioners in Dublin their objections (if any) in writing to the s maps, plans, sections, and estimates, and all other objection parties shall think fit to make with respect to any thing prop by the said commissioners under the provisions of this Act.

XIV. And be it enacted, that in cases in which the said comdeem it expedient so to do they shall, by the notice to be published as aforesaid, or by a subsequent notice, to be published and manner, call one or more public meetings of persons interested affected by any such proposed works, or the charge for the samsuch day or days subsequent to the expiration of such period of such convenient place or places, as shall be specified in such no always, that if any such meeting shall be called by any subsebefore mentioned, such meeting shall be held on a day not a weeks from the date of such subsequent notice.

XV. AND be it enacted, that in any case where such meeting then, at the time and place named in such notice as aforesaid missioners, or one of them, shall attend, and shall have por from time to time, or hold such new meeting as they shall and shall hear or inquire into, on oath or otherwise, all suc shall have been or shall then and there by any person inte to such declaration, maps, plans, sections, or estimates, or pro charge in respect of the same, and after having considered tions as aforesaid they shall at such meeting, or subsequentl case no meeting shall have been called or held then upon objections (if any) which shall have been made in writing p first-mentioned notice as aforesaid, cause such alterations (if an deem expedient to be made in such declaration, maps, pla estimates, and shall finally settle and sign the same, and shall declaration, so settled and signed, to be printed, and a cop furnished to the memorialists in such case, or to such person they shall think fit, or who shall apply for the same : Provid if the commissioners shall deem it expedient to alter such de matter or thing which shall have been provisionally approved commissioners of her Majesty's Treasury, such alteration shall determined without the approval of the said commissioners o Treasury.

Preliminary proceedings.

Notice shall be published if Treasury approve of any other than the prescribed security.

Grand juries may make presentments without previous application to presentment sessions.

Who shall be deemed proprietors.

notice shall be published if such county, district, or propriet who would become liable to such charge shall have as afor manner and subject to the regulations herein-before ment tively approved or assented to such work:

Provided always, that such final notice shall and may be publicase in which the commissioners of her Majesty's Treasury shall accept and signify their approval of any other security for the the monies advanced by way of loan for any such work in lieu of herein prescribed or provided, any thing in the foregoing reprovisions to the contrary notwithstanding; and provided also, be lawful for the grand jury of any county, without application ment session, to make any such presentment as herein-before relation to any such proposed work.

XVII. And be it enacted, that any person seised or entitled proposed to be made chargeable under the provisions of this Act ment of any money advanced by way of loan, in possession, as simple or in fee tail, general or special, or as tenant by courtesy, person who shall be entitled under any will or settlement, or an or instrument, (except a grant or lease reserving rent, or an writing for such grant or lease,) for his own life, or the life of any or for years determinable on such life or lives, and also any perbe entitled under any lease granted by a bishop or any collegiate tical body, or under any lease granted by any person having derivative title from or under any bishop or any collegiate or body, which lease shall contain a toties quoties covenant of rene any person who shall be entitled under any grant, lease, or any assurance for an estate in fee, or for a term of years absolute hundred years or more shall be unexpired, or for an estate or in life or lives renewable for ever, or for any term or terms of yes for ever, whether such last-mentioned person shall be entitled estate, term, or interest either absolutely or as tenant in tail, or as in tail, or for his life, and also every feoffee or trustee of any suc any such estate or interest therein as aforesaid, for charitable or o shall be deemed a proprietor of such land for the purposes of this every case in which any person seised, possessed of, or entitled land for any such estate or interest as aforesaid shall be an infant idiot, or lunatic, the guardian of such infant, the husband of such and the committee of the estate of such idiot or lunatic, shall, provisions herein-after contained, be deemed a proprietor of such purposes of this Act: Provided always, that no person shall proprietor for the purposes of this Act for or by reason of any es him which shall have been created by way of mortgage, or for the securing the payment of any sum of money, but that the person be deemed a proprietor for the purposes of this Act if such esta mortgage or for securing any money had not been created shall, if possession or receipt of the rents, issues, and profits thereof, not such mortgage or security, be deemed such proprietor as aforesa also, that where several persons shall have in any such land su interests as would otherwise entitle them under the provisions at Preliminary proceedings.

thereof, nor the extent of such district or lands to become liable ment of any part of the cost of the works, nor any other matter or omitted to be done by the said commissioners previously or to the publishing of such final notice; and the approval of or work which shall have been received by the said commissioners t meeting of any district, or from any proprietor of lands to become as aforesaid, shall be conclusive and binding upon such district prietor of and all persons interested in the lands of such proprie of which respectively such approval or assent may have been g upon and against the same district and lands respectively; and lawful for any person whatever in any manner to question or a or in respect of any thing whatsoever done or omitted to be don commissioners under the provisions of this Act (save only in s such manner as herein specially provided), nor shall any proceedi or taken by or on behalf of the said commissioners for the pu Act be removed or removeable by certiorari into any of her M of record.

As to expences of preliminary proceeding.

Recovery of expences if works judged inexpedient. XXII. And be it enacted, that in every case where any such shall be published as aforesaid all the costs and expences of the proceedings herein-before directed to be taken shall be considered incidental to the execution of the works proposed to be executed defrayed accordingly; but if in any case the said commissioner mine that it is inexpedient to execute any of the works refer such memorial, or other works in lieu thereof, or if the necessary or assents herein-before required to be obtained shall not be given tion of the proposed works, then and in any such case all expendence been incurred shall be defrayed by the person or persons we presented such memorial as aforesaid, and the same shall be received by the person or persons by the said commissioners, by civil bill, or suit in any of the superior courts in Dublin.

Final declaration, when settled, to be enrolled in Rolls Office of Court of Chancery.

Copy to be deposited with clerk of the peace.

After publication of final notice, grants and loans may be issued. XXIII. And be it enacted, that every such final declaration, we by the said commissioners, shall be enrolled in the Rolls Office of Court of Chancery in Ireland within three months after same shall settled; and a copy thereof shall be deposited with the peace of each county in which such district shall be situate, authorized and required to receive and deposit the same amongs of the county; and a copy thereof, certified by the proper of Majesty's Rolls Office, shall be evidence that it was duly made, and requisitions of this Act in relation thereto were complied with.

XXIV. And be it enacted, that after the publication of such f aforesaid it shall be lawful for the said commissioners of h Treasury to cause to be advanced out of the growing produce of dated fund of Great Britain and Ireland from time to time, upon tion of the said commissioners for the execution of this Act, such of money for the execution of the works as shall have been specifinal declaration as the proportion of the cost of such works to by way of grant, and the monies so to be from time to time is purpose last aforesaid shall be accounted to be part of the money

Works.

effecting all or any of the purposes of this Act, and for such pu into and upon any land whatsoever, and to widen, straighten, de any channel, sailing course, river, or stream, and to make or e landing place, pier, quay, harbour, beacon, bank, sluice, lock, lo house, or other building, drain, tunnel, road, towing path, cap works necessary for the purposes of this Act, and also to make an against the sea, or remove or cut away any rocks or other navigation, or make any navigable cut or channel, and to put such land any piles, stones, earth, soil, or other materials for the the works, and also to stop up or divert any road or remove any make any new road or bridge, and also from time to time to r improve any harbour, wharf, landing place, quay, pier, road, o now made or to be made as aforesaid, and also to do all such th such engines, and execute all such works, as may be necessary for the purposes of this Act, making compensation, to be usee manner herein-after mentioned, to all persons for any damage them by the exercise of any such powers.

Compensation to be given for damage.

Commissioners may enter lands, and dig for materials, on making compensation.

Materials taken from open quarries to be

Commissioners to fill up holes and pits not found useful, and fence off those that may be useful.

paid for.

XXVIII. AND be it enacted, that it shall be lawful for the sioners, or any engineer, workman, or other person authorized three days previous notice, to enter into, and to search for, carry away materials out of any land, for the purpose of executing any works under the provisions of this Act, making such cor the surface damage done, to the proprietors, lessees, or occupiers according to their respective interests therein, as to the said shall seem fit and reasonable; and in case of dispute such combe settled, on a summons to be issued for that purpose, by an justices of the peace for the county in which such land is sit sessions: Provided always, that in all cases where materials s from an open quarry bonâ fide demised to any person with li sell, and dispose of the materials therein, the value of such mat paid for by the said commissioners, and the amount owing, in difference as to the same, shall be settled on summons by any justices as aforesaid.

XXIX. And be it enacted, that if by reason of the searching agetting any materials as aforesaid any pit or hole be made in a other land wherein such materials shall be found, the said comm forthwith, where the same shall be necessary for the safety or public, or if the proprietor or occupier shall so require, cause t sufficiently fenced off during such time as the said pit or hole and shall, within six days after having dug up sufficient material or hole is not likely to be further useful, cause the same to be fill down, or fenced off, and so continued, and if the same is likely useful the said commissioners shall cause the same to be sufficient persons.

Where small quantities of lands are severed from any estate, commissioners XXX. AND be it enacted, that if in the execution of any authorized by this Act any field, close, or parcel of land shall be or divided from the remainder of any estate, farm, or property, shall be left on each or either side of the said works or any of t

one statute acre in quantity, or less than fifteen yards in breadth, then and in every such case the said commissioners shall (if thereunto required by the proprietor of such field, close, or other land so cut through or divided) take and purchase such piece or parcel or pieces or parcels so to be left as aforesaid of such field, close, or land, and shall pay for the same in the same manner as for the land actually required for the purpose of this Act; and the said commissioners are hereby authorized and empowered to sell such lands which they shall be so required to take and purchase as aforesaid, and cause the same to be conveyed to any person or persons whomsoever who shall be willing to purchase the same; and any profit or loss arising from such sale and resale shall be respectively placed to the account of the work in respect of which such lands shall have been purchased.

XXXI. And be it enacted, that it shall be lawful for the said commissioners to purchase any lands which they shall think it necessary or proper to purchase for accomplishing any of the purposes of this Act, and also any land, not exceeding five acres, at, about, and immediately adjoining to the site of any pier, harbour, quay, or landing place to be constructed or improved under the provisions of this Act, which they may deem requisite, as sites for the building or constructing market places, drying sheds, or for ground for spreading and mending nets, or for other purposes of a public nature calculated to promote and improve the fisheries, making such reasonable satisfaction and recompence to the person entitled to or interested in such land as may be agreed upon, or shall be settled and ascertained in manner herein-after mentioned.

XXXII. AND be it enacted, that it shall be lawful for every corporation, Corporations, and for every trustee and feoffee in trust for charitable or other purposes, and for every executor and administrator, not only for and on behalf of himself, empowered to his heirs, executors, and administrators respectively, but also for and on behalf sell and convey, &c. of his cestuique trust, whether infant, feme covert, idiot, lunatic, or persons not born or not ascertained, or any other person whomsoever, and to and for any tenant for life, or for years absolute and determinable on any life or lives, and every person having any other partial or qualified estate or interest in any land required to be purchased for any of the purposes of this Act, or injuriously affected by any such works as aforesaid, not only for and on behalf of himself, his heirs, executors, administrators, and issue, but also for and on behalf of the person entitled in remainder, reversion, expectancy, or contingency, or for any other future estate or interest, where such person or any of such persons (if more than one), whether entitled to the next or any subsequent estate or interest, or any part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for every guardian on behalf of his respective ward, husband on behalf of his respective wife, committee on behalf of the person of whose estate he shall be committee, and the heirs, executors, administrators, and issue of such ward, wife, or person respectively, and to and for any feme covert entitled in her own right to any such land, or to dower or other interest therein, on behalf not only of herself but also of her respective heirs, executors, administrators, and issue, and also where such ward, wife, person, or feme covert respectively shall be tenant for life or in tail, or for years, or have any other partial or qualified estate or interest, to and for such guardian, husband,

Works.

shall purchase such severed lands if required.

Commissioners may sell such lands.

> Purchase of lands.

Commissioners may purchase land for the purposes of the Act.

other persons,

Purchase of lands.

committee, and feme covert, on behalf of the person or persons whom such ward, wife, person, or feme covert respectively, is unmarried, and of sound mind, might have contracted for, sold, at the same land, and to and for every other person whomsoever we be seised or possessed of or interested in any such land, to confor the absolute sale or exchange thereof, and of every or any particle said commissioners, or to contract for the amount of compenshall be paid for any injury thereto, or for the payment of such a for equality of exchange as shall be determined by the said contract we the premises which the said commissioners shall deem necessar execution of this Act; and all such contracts, agreements, sales, and assurances shall be valid and effectual, and all monies payable commissioners in respect thereof shall be paid by the said common of the monies to be raised by virtue of this Act, as herein-after in

Form of conveyance.

XXXIII. And be it enacted, that all conveyances which shall to the said commissioners of any land which shall be required any of the purposes of this Act shall be in the following form thereto as the number of parties and the nature of the case namely,

I of the sum of , in paid to

- ' the Bank of Ireland, as the case may be,] by the commissione under an Act passed in the year of the reign of
- ' Queen Victoria [here set forth the title of this Act], do hereb
- ' release to the said commissioners all [describing the premises], to all ways, rights, and appurtenances thereunto belonging, and
- ' rights, and interests in the same and every part thereof, to hole commissioners and their successors for ever, according to the true
- ' meaning of the said Act. In witness whereof I have hereunto
- ' and seal on this day of ' our Lord one thousand eight hundred and

Price of land, or satisfaction for injury or damage, may be settled by agreement; XXXIV. And be it enacted, that every corporation, and every other person herein-before capacitated to contract for, sell, and such land as aforesaid, and any other owner of any such land, or estate, or interest therein, may accept and receive such satisfaction pence for the value thereof, and such corporation, trustee, person and also any tenant for a year, or from year to year, or at woccupier of any land, entitled to such compensation for such injurias shall be sustained on account of the execution of this Act, or relating thereto, may accept and receive such sum of money in reas shall be agreed upon between him respectively and the said command in case the said commissioners and the said party interested in sustaining such injury or damage, cannot or do not agree as to the value of such satisfaction, recompence, or compensation, the stively shall be ascertained and settled in manner herein-after directions.

or as hereinafter directed.

XXXV. And be it enacted, that if any such corporation, trust person interested in or herein-before authorized to contract for, se

In default of agreement, commissioners

vey any such land as aforesaid shall neglect or refuse to treat or shall not agree with the said commissioners, or by reason of absence or disability cannot agree, or cannot be found or known, or shall not prove a clear title to settle and to the land, or the estate or interest which he shall claim therein, to the satisfaction of the said commissioners, or in case any such corporation or trustee money or or other person sustaining any such injury or damage as aforesaid shall not accept such satisfaction or recompence for the same as shall be offered by the same shall be said commissioners for the space of thirty days after notice published in some newspaper circulating in the county in which such lands shall be situate, and a copy of such notice given to the principal officer or officers of such corporation, or to such trustee or person respectively, or left at his respective place of abode, or at the house of the tenant or occupier of such land intended to be purchased, taken, or used for any of the purposes of this Act as aforesaid, then in every such case the said commissioners are hereby empowered, at a time and place to be specified in such notice as last aforesaid, to inquire and examine, by themselves or one of them, or by any officer to be appointed for that purpose, and to award the sum of money to be paid for the purchase of such land, or the recompence or satisfaction to be made for damage that may or shall be sustained as aforesaid, and to settle and ascertain in what proportions the sum so awarded shall be paid to the several persons interested in such land, or in any charge, lien, or incumbrance thereon, and what abatements (if any) shall be made in the rents payable out of the land named or described in such award, or any land held in conjunction therewith; and the said commissioners shall award such purchase money or recompence so to be assessed, and the said commissioners shall and may in such award name or describe the persons (if known to the said commissioners) to whom respectively the sum mentioned therein shall be paid, and in what proportions the same shall be paid to and among such persons where more than one, and the land, naming or describing the same, in respect of which such sum has been so awarded, and also what abatements (if any) shall be made in the rents payable out of the land named and described in such award, or any land held under the same lease or instrument in conjunction therewith; and the said commissioners shall notify and appoint a time and place for holding a meeting for the confirmation of their said award, and they, or one of them, shall attend at such time and place, and at such meeting, or at some adjournment thereof, proceed to consider each case, and hear all objections which may Objections be made thereto by any person whatsoever, and receive all such evidence to award to be heard and as they shall find pertinent and proper, and amend or confirm and settle determined. each such award accordingly; and such award shall be conclusive and binding upon the Queen's most excellent Majesty, and all other persons interested, except in the case and subject to the provisions herein-after contained: Provided always, that after having offered to any proprietor Commissioners or occupier of any land such sum as the said commissioners shall think on lands, after reasonable, it shall and may be lawful for them, without further delay, to tender of such enter into and upon such lands for the purposes of this Act, and to proceed think reasonwith such works thereon as shall in the opinion of the said commissioners be able. necessary.

Purchase of lands.

award amount of purchase compensation, and how the divided, &c.

XXXVI. Provided always, and be it enacted, that if any person interested Any person or claiming to be interested in any land which may be made the subject of any with the award

Purchase of lands.

of the commissioners may appeal to the assistant barrister at quarter sessions;

who shall determine the matter, either by or without the verdiet of a jury, as required, and award costs.

Award of commissioners to be final, if notice of appeal is not served within 14 days. Jurors to be summoned if required.

such award as aforesaid shall be dissatisfied therewith, either a amount of the value or the compensation awarded in respect any abatement to be made in any rent, or as respects the person the proportions in which such value or compensation is to be p ment made, it shall be lawful for such dissatisfied person to quarter sessions which shall be held next after any such award si made and settled as aforesaid for the division of the county land shall be wholly or in part situate, (provided same shall not l than thirty-one days after the making of such award,) the party there be sufficient time after such award, having first given to missioners twenty-one days notice at least of his intention of appeal, and of the matter thereof; and if there shall not be the between the making of such award and the day appointed for sessions, then such appeal may be made at the second quarter s shall be holden for such division of such county after such aw assistant barrister at such first or second quarter sessions, or any thereof, upon due proof of such notice having been given, is powered and required to hear and finally determine the matter o either by or without the verdict of a jury, as the party appealing and may order such sum to be paid for the costs thereof to be p in part by either of the parties thereto, and may, by warrant un direct such costs so awarded to be levied by distress and sale of chattels of the party or parties who shall refuse or neglect to p Provided always, that if no notice of appeal shall be served commissioners within fourteen days next after their award shall same shall be final, binding, and conclusive upon all persons, and and purposes whatsoever.

XXXVII. AND be it enacted, that if in any notice of appeal to said commissioners as aforesaid the party appealing shall require summoned for determining the matter of such appeal, then and i case the said commissioners shall issue their warrant under the seals to the sheriff of the county where such appeal is to be heard, such sheriff to impannel, summon, and return a jury, and such pa serve a copy of such notice of appeal on such sheriff; and the sa whom the said warrant shall be directed or such notice given is her accordingly to impannel, summon, and return a jury of twen qualified according to law to be returned for trials of issues j Majesty's courts in Dublin, to appear before the said assistant barr time and place as in such warrant or warrants shall be appoint less than fourteen days after such warrant shall be served upon the upon pain to forfeit for every default in not making such return to be sued for and recovered in the manner herein-after directed return in issues upon every person so impannelled and returned, w to the true intent and meaning of this Act, shall not appear, the s shillings, which shall be levied by distress and sale of the goods of the person not appearing as aforesaid, by warrant under the h of the said assistant barrister; and in case a sufficient number shall not appear at such time and place, the said sheriff shall honest and indifferent men that can speedily be procured to attend

being qualified as aforesaid, to make up the said jury to the number of twelve; and all parties concerned shall and may have their lawful challenges against any of the said jurymen; and the said assistant barrister is hereby empowered, by warrant under his hand and seal, from time to time, as occasion shall require, to summon and call before him all and every such person and persons barrister may as shall be thought necessary to be examined as witnesses touching the matters in question; and the assistant barrister may order and authorize the said jury, Jury to or any six or more of them, to view the place or matter in question, which jury ascertain the amount (upon their oaths, to be administered by the said assistant barrister, which payable, &c. oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said assistant barrister is hereby empowered to administer,) shall inquire of, assess, and ascertain the sum of money to be paid for the purchase of such land, or the recompence or satisfaction to be made for damages that may or shall be sustained as aforesaid, and what abatements (if any) are to be made to any tenant or occupier of such land, and to settle and ascertain in what proportions the sums so assessed shall be paid to the several persons interested in the premises.

Purchase of lands.

Jurors may Assistant

XXXVIII. And be it enacted, that in all such cases of appeal as last afore- Assistant said the assistant barrister shall give judgment for such purchase monies or barrister to recompence, whether the same shall have been assessed and ascertained by such for amount juries, or finally determined by such assistant barrister; and the verdicts of fixed by jury or by himself; such juries, and the judgments thereon, and the judgments of said assistant judgments to barrister where no such verdicts shall be given, shall be binding, final, and all parties. conclusive, to all intents and purposes, against all parties, corporations, and persons whomsoever.

XXXIX. And be it enacted, that if any person summoned as a juryman as Jurymen aforesaid shall after his appearance refuse to be sworn, or being so sworn refuse be sworn, or to give or not give his verdict, or in any other manner wilfully neglect his give verdict, duty in the premises, contrary to the true intent and meaning of this Act, sum not exevery person so offending, having no reasonable excuse, to be allowed by the ceeding 40s., said assistant barrister, shall for every such offence forfeit and pay any sum not exceeding the sum of forty shillings, to be levied on the goods and chattels to be levied by of the person so offending, by warrant under the hand and seal of the said distress. assistant barrister, by distress and sale of the offender's goods, rendering the overplus to the owner thereof, after such penalty, and the charges of such distress and sale, are deducted.

XL AND be it enacted, that such of the aforesaid awards of the said Awards, commissioners as shall not be appealed from, and the judgments and verdicts verdicts, and so given as aforesaid, shall be respectively transmitted to and be kept by the be recorded. respective clerks of the peace of the counties in which the land in respect of which such awards, judgments, or verdicts shall have been respectively made shall be situate, and shall be deposited with the records, and deemed records, of such counties respectively, to all intents and purpose, and the same, or certified copies copies thereof, shall be allowed to be good evidence in all courts whatsoever, to be evidence. and all persons shall have liberty to inspect the same, paying for such inspect Inspection and tion the sum of sixpence, or to have copies thereof, paying for every copy the copies. sum of three halfpence for every seventy-two words, and so in proportion for any greater or less number of words.

VOL. IX.

Purchase of lands.

Application of compensation purchase or money in respect of land, &c., belonging to corporation or person under disability, when amounting to or exceeding 2001.

XLI. AND be it enacted, that if any money shall be adjudge to be paid for any land purchased, taken, or used by virtue of this Act, or as compensation for any damage or injury to an shall belong to any corporation, or to any trustee or feoffee administrator, or any husband, guardian, or committee, for or any feme covert, infant, idiot, or lunatic, or to a tenant for life, who shall have no power to give a valid receipt for the same, convey the same land, otherwise than by virtue of this Act, suc in case the same shall amount to or exceed the sum of two hu with all convenient speed be paid into the Bank of Ireland, in with the privity of the accountant general of the Court of Exchequer, to be placed to his account there ex parte the con executing this Act, setting forth the title hereof, and without fe and shall, when so paid in, there remain until the same shall, b said court, made upon a petition to be preferred to the said cou mary way by the person who would have been entitled to profits of the said land, be applied in or towards the discharg debt or other incumbrance affecting the same land, or any property standing settled therewith to the same or the lik intents, and purposes, as the said Court of Chancery or Exchequ rize to be paid, or such part thereof as shall be necessary; or th shall, upon the like application in a summary way, be laid out, b said court, in the purchase of other land, which shall be conand settled to, for, and upon such and the like uses, trusts, int pose, and in the same manner, as the land which shall be so pur or used, or damaged or injured as aforesaid, stood settled or lin of them as shall be then existing undetermined or capable of and in the meantime and until such order can be obtained the may, by order of the said court, upon application thereto, be in said accountant general in his name in the purchase of any st annuities transferable at the Bank of Ireland; and in the meant the said stocks, funds, or annuities shall be sold by order of the the purpose aforesaid, the dividends or annual produce thereof s to time be paid to the person who would for the time being have to the rents and profits of such land so to be purchased, conveyed

When less than 200l. and amounting to or exceeding 20l. XLII. Provided always, and be it enacted, that if any money sawarded to be paid for any land purchased, taken, or used for the psaid, or damaged or injured as aforesaid, belonging to any corpora person as last aforesaid, shall be less than the sum of two hundre shall amount to or exceed the sum of twenty pounds, then and in the same shall, at the option of the person for the time being entitle and profits of the land so purchased, taken, or used, or damaged of his guardian or committee, in case of infancy, lunacy, or oth to be signed in writing under their common seal or respective case may require), be paid into the Bank of Ireland, in the name privity of the said accountant general, and be placed to his accessid, in order to be applied in the manner herein-before directed; the same may be paid, at the like option and with the like approor more trustees, to be nominated by the person who for the time

Purchase of lands.

be entitled to the rents and profits of the land so to be purchased, taken, or used, or damaged or injured as aforesaid, such nomination to be approved of by the said commissioners, and such nomination and approbation to be signified in writing under the hands or common seal of the nominating and approving parties; and the monies so paid to such trustees, and the dividends and produce arising thereon, may be applied by such trustees in like manner as is herein-before directed with respect to the money so to be paid into the Bank of Ireland, without being required to obtain any order of the Court of Chancery or Exchequer touching the application thereof.

XLIII. PROVIDED also, and be it enacted, that if any money so adjudged or When less awarded to be paid as herein-before mentioned shall be less than twenty pounds, then and in every such case the same shall be paid to the person who would for the time being have been entitled to the rents and profits of the lands so purchased, taken, or used, or damaged or injured, for the purposes of this Act, for his own use and benefit, or in case of infancy or lunacy or other incapacity, then to the person acting as guardian, committee, or trustee of such person, to and for the use and benefit of the person entitled thereto.

reasonable

XLIV. And be it enacted, that where by reason of any disability or in- The court capacity of any party entitled to any land to be taken, purchased, or used, or in respect of which any compensation or satisfaction shall be payable, under expences of the authority of this act, the purchase money for the same shall be required to purchase be paid into the Bank of Ireland, to be applied in the purchase of other land, by the comto be settled to the like uses, in pursuance of this Act, it shall be lawful for the said court to order the expences of all such purchases, or so much of such expences as the said court shall deem reasonable, together with the necessary costs and charges of obtaining such order, to be paid by the said commissioners out of the monies to be received by virtue of this Act; and the said commissioners shall from time to time pay such sums of money for such purposes as the said court shall direct.

money agreed

XLV. AND be it enacted, that if any corporation or person seised or pos- When consessed of or having any estate or interest in any such land as aforesaid cannot veyances cannot be be found, or shall not be known, or shall not prove a good title to such land to obtained comthe satisfaction of the said commissioners or any person authorized by them, or shall pay into shall refuse to execute a conveyance thereof, then and in every such case it the Bank the shall be lawful for the said commissioners to pay such sum of money as shall upon or have been contracted and agreed or shall have been adjudged in manner afore- assessed; said to be paid for the purchase or for the value of such land into the Bank of Ireland, in the name and with the privity of the accountant general of the said Court of Chancery or Exchequer, to be placed to his account to the credit of the party interested in the said land (describing such land), or if such party shall not be known, then to the credit of the then unknown person interested in the said land (describing the same), subject to the order, control, and disposition of the said court; which said court, on the application of any corporation or person making claim to such sum of money or any part thereof, by motion or petition, shall be and is hereby empowered, in a summary way of proceeding or otherwise, as to the same court shall seem fit, to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the respective estate, title, or interest of the corporation or person making claim thereto,

4 B 2

Purchase of lands.

and thereupon the premises shall vest in commissioners.

In cases of questionable titles, persons in possession to be deemed to be entitled till the contrary is shown.

Estates of mortgagees to vest in commissioners on payment of principal and interest;

or if such principal and and to make such order in the premises as to the said court sh and reasonable; and the cashier of the Bank of Ireland who sha sum of money is hereby required to give a receipt for such su and upon payment of such sum of money into the Bank, as lastly is mentioned, the land for the purchase or for the value of wh shall have been agreed and awarded to be paid, and the fee simpl ance thereof, or other the absolute interest therein, together w profits thereof, and all the estate, right, title, interest, use, tr claim, and demand, in law and equity, of the corporation or person person, to whose credit such money shall be paid, in, to, and ou shall vest in the said commissioners, and they shall be deemed in the actual seisin or possession thereof to all intents and purpose as fully and effectually as if every corporation or person having such land had actually conveyed the same; and such payments s bar all right, title, interest, claim, and demand of the corporation unknown person, of, in, or to the same land, to whose credit : shall have been made, but also shall extend to and be deemed an bar the dower of the wife of such person, and all estates tail and in possession, reversion, remainder, expectancy, or contingency, an such person, and every other person whomsoever.

XLVI. PROVIDED always, and be it enacted, that where any arise touching the title of any person to any money which shal the Bank of Ireland in the name and with the privity of the general of the said Court of Chancery or Exchequer, in pursuan for the purchase of any land to be taken or purchased in purs Act, or to any bank annuities or government or real securitie who shall have been in possession of such land at the time of s and all persons claiming under such person, or under the posse person, shall be deemed and taken to have been lawfully entitled until the contrary shall be shown to the satisfaction of the said c dividends or interest of the bank annuities or government or rea be purchased with such money, and also the capital of such ban government or real securities, shall be paid, applied, and dispose ingly, unless it shall be made to appear to the said court that so was a wrongful possession, and that some other person was lav to such land, or to some estate therein.

XLVII. And be it enacted, that if any person shall have any be entitled to any sum of money charged on any land taken under this Act, then, on payment of the principal and interest d in case a part only of any land subject to such charge or mortgag or purchased, then a proportionate share of such principal and in ascertained, in case of dispute, in the manner herein-before provitaining the value of land taken or purchased for the purposes of such mortgagee or person entitled thereto, or into the Bank of In use of the mortgagee or other person entitled thereto, all the said mortgagee or other person, and of every person in trust for his or the portion of land so taken or purchased, shall vest in the cand they shall be deemed to be in the actual possession thereof, same mortgage or charge, to all intents and purposes whatsoever

always, that if the money and interest due in respect of any mortgage or charge on any land purchased or taken under this Act shall amount to more than the value of the premises charged therewith, or such of them or of such part thereof as shall be purchased or taken under this Act, then, upon payment to such mortgagee or person, or into the Bank, in manner herein-before mentioned, of the sum to be ascertained as the value of the estate or interest so mortgaged or charged on the land, or part thereof, so to be taken and purchased as aforesaid, all the estate of the said mortgagee or person as aforesaid, and of every person in trust for him, in the said land or any part thereof the value whereof shall have been so ascertained and paid as aforesaid, shall vest in the commissioners, and they shall be deemed to be in the actual possession of the said lands, to all intents and purposes whatsoever, freed from such mortgage or charge as aforesaid; and the mortgagor or other person entitled to redeem shall be and is hereby barred and foreclosed from all right and equity of redemption of and in the same land or portion of land.

XLVIII. AND be it enacted, that when any rent, or any such charge, Rents or incumbrance, or lien as aforesaid, shall also be payable out of or extend over ing lands and be a charge, incumbrance, or lien on any lands other than those which taken, and also shall be taken or injured by or conveyed to or vested in the said commissioners, not to be then and in such case neither this Act nor any conveyance so made as aforesaid affected as to shall in any respect discharge, affect, or alter the force, validity, or effect of taken. such charge, rent, incumbrance, or lien, so far as relates to such other lands, tenements, or hereditaments, but that as to all such the same shall respectively continue, be good, valid, and subsisting, subject nevertheless to such reduction of rent (if any) as may be made in respect of such lands under the provisions herein contained.

XLIX. And be it enacted, that upon payment into the Bank of Ireland, Power to enter as herein directed, or upon payment or legal tender of any such sum of money and take posas shall have been contracted for between the parties, or adjudged in manner &c. on payaforesaid, for the purchase of any land, or as a recompence for the yearly produce or profits thereof, or as a compensation for damages, as herein-mentioned, money or to the proprietor of such land, or to such person as shall be entitled thereto under any of the provisions herein contained, it shall be lawful for the said commissioners, or their agents, workmen, or servants, immediately to enter upon and use such land.

L. Provided always, and be it enacted, that if it shall seem expedient to the Commissioners said commissioners, at any time or times within six months after any may forego adjudication or contract shall be made, given, or entered into under the pro- any land, or visions of this Act, not to take or injure the whole or any part of any land or any part of other matters or things named or described in such adjudication or contract, serving a it shall be lawful for the said commissioners to serve a notice upon or cause notice, within six months the same to be left at the usual place of abode of the person or persons who from the time are or appear by the said adjudication or contract to be interested in such adjudication, land or other matters or things, stating that the same, and what part thereof, that the same will not be taken for or injured by any thing to be done under this Act; and will not be required. the adjudication or contract mentioned in the said notice, or such part thereof as shall relate to the part not required to be taken or injured as aforesaid, (at the option of the said commissioners,) shall be utterly void and of none effect, to all intents and purposes whatsoever; and in case a part only of any

Purchase of lands.

interest exceed the value of the property, then on pay ment of the

lands not taken,

ment or tender compensation.

Purchase of lands.

Apportionment in case of notice given as to part only.

Compensation for loss to persons interested in lands as to which notice is given.

Commissioners may demise or lease lands purchased, for any purposes calculated to improve the fisheries.

Proviso as to erection of buildings on such lands.

Security for loans, and repayment.

Commissioners to make an award upon completion of any of the works. adjudication or contract shall become void as aforesaid, the said shall fix and ascertain the portion of the sum mentioned in such or contract which should be deducted on account of the part not taken or injured, and, if necessary, apportion the residue amor entitled thereto; and the said commissioners shall amend such or contract accordingly, and such amended adjudication or contra all the force and effect, and shall be subject to the like appeal, adjudication or contract under this Act: Provided always, tha where the commissioners shall serve notice that it is not intend injure the whole nor any part of such land, the person or perso in such land, and incurring any loss or expence in consequence of sioners having previously required the same, shall be entitled to for such loss and expences, and in case the amount thereof can upon the same shall be recovered by civil bill before the assistan the county in which such land shall be situate, and such assistar hereby authorized and required to hear and determine the same.

LI. And be it enacted, that it shall be lawful for the said com demise or lease to any company, corporation, or person whatsoe or for any term that may be agreed upon, in such lots or divisio may seem fit, any lands of which they may become possessed und sions of this Act, for the purpose or as a site for the erection of house, drying sheds, or other building of a public nature, or for the curing houses, or stores for salt and materials used in the trade for yards and slips for the making and repair of vessels and boat walks, and any other public purposes in the opinion of the said of tending to promote and improve the fisheries; and the said of shall reserve such rent for all lands so demised as to them shall reasonable, and shall in every such lease require a covenant to binding the party or person to whom such lease shall be made such land, within a time to be in such lease limited, such sum i buildings, or otherwise, as to the said commissioners shall seem f the lands so demised for the special purpose for which it shall be no other, on pain of forfeiture of such demised premises: Prov that such lands shall not be let or used for the purpose of erecting messuage or dwelling house whatever, save and except such dwelling house as the commissioners of the Treasury shall app lectors of tolls, and the keepers of such market houses, stores aforesaid, or for police, revenue, or coastguard barracks, or other of a public nature.

LII. And be it enacted, that as soon as conveniently may work for the purposes of this Act shall have been completed the sioners shall draw up or cause to be drawn up a final award or in writing, which shall describe the work or works which shall be completed, and such final award shall also specify the amount which shall have been expended in and about the works which been executed, and all expences incident thereto (including the all borrowed monies), and the proportions of such sums which been advanced by way of grant and by way of loan towards the total amount of the costs, charges, and expences of such

incidental thereto, and whether the monies advanced by way of loan, with interest, shall be repaid in one sum or by instalments, and if by instalments then said award shall also specify the several instalments, and the manner by and in which such proportions shall be paid, and, regard being had to the circumstances of each particular case, and the final declaration made as before directed in respect thereof, the said award shall also specify the amount of such money advanced by way of loan which shall be charged, with interest, upon the county or counties, or district, or the lands of any proprietor or proprietors, or proportionally on such county, district, or lands, or either or any two of them, as the case may be, and describing such county, district, or lands respectively; and the said commissioners shall also cause to be inserted in every such final award all such other determinations, matters, and things as the said commissioners shall think necessary and proper, and the said commissioners shall sign such award under their hands.

finally settled, to be enrolled of Court of Chancery. Copy to be deposited with clerk of the

Security for loans, and

repayment.

Award to specify how

monies advanced by

way of loan

are to be charged.

LIII. And be it enacted, that every such final award, when settled and Award, when signed by the said commissioners, shall be enrolled in the Rolls Office of her Majesty's Court of Chancery in Ireland within three months after the same in Rolls Office shall have been finally settled, and a copy thereof shall be deposited with the clerk of the peace of each county in or near which such works shall be situate, who is hereby authorized and required to receive and deposit the same amongst the records of the county; and such award, when so finally settled and peace. enrolled, shall be binding and conclusive on all parties and persons whomsoever, and a copy thereof, certified by the proper officer of her Majesty's Rolls Office, shall be evidence that it was duly made, and that all the requisitions of this Act in relation thereto were complied with; and the said commissioners shall, within one month after the said award shall be finally settled, cause such award to be printed, and kept for sale at a price not exceeding sixpence for each printed copy thereof.

Award to be printed and kept for sale.

LIV. And be it enacted, that any sum of money which under the final Sums required award of the said commissioners shall be payable by any county in respect of monies advanced by way of loan for or in respect of any work under the provisions of this Act shall be payable by the grand jury of such county, and county, to be the secretary of the said commissioners shall certify to the secretary of such presentment. grand jury the amount of such sum of money, and the instalments and manner by and in which the same is payable under the award of the said commissioners, and such grand jury is hereby required, without application to presentment session, to make presentment of the amount of such costs, charges, and expences, or of the instalments from time to time payable in respect thereof, as stated in such certificate, together with interest thereon respectively at a rate not exceeding five pounds per centum per annum from the date of such award, to be raised off the county at large; and in default of such presentment the court at such assizes shall order such amount or instalments, with interest as aforesaid, to be raised off such county, and such order shall have the force of a presentment, and the treasurer of such county shall insert such amount or instalments, with the interest thereon, as same shall be from time to time payable, in his warrant or warrants, and same shall be applotted, raised, and levied as if the same had been duly presented; and when and so soon as such amount or instalments as aforesaid, with the interest thereon, shall be raised and received by the treasurer of the county, such

for repayment of loan, when payable by a

Security for loans, and repayment.

Repayment of loan, when payable by a district.

1 & 2 Viet. c. 56.

Copies of poor rate may be taken by the commissioners for purposes of this Act.

Penalty for refusing to allow copies to be taken.

Commissioners to appoint collectors. treasurer shall immediately pay the same to the said commis same shall be by them paid over and applied as herein-before of repayment of loans.

LV. AND be it enacted, that any sum of money which u award as aforesaid shall be payable as aforesaid by any distr monies advanced by way of loan for or in respect of any work visions of this Act, together with interest on such sum at a ra five pounds per centum per annum from the date of such charged upon the occupiers of and other persons rateable in and hereditaments within such district, and rated under the th rate or rates made or from time to time made in respect of the provisions of an Act of the first and second years of her intituled "An Act for the more effectual relief of the destitute and any Act amending the same, and shall be payable either i instalments, as specified in such award, by the respective under the said last preceding rate or rates shall have paid of been liable to pay or contribute rate in respect of property according to the several valuations according to which respe preceding rate or rates shall have been so made charged upon the rate-payers in respect of such lands or hereditaments re vided always, that any such sum of money or instalment there as aforesaid, shall be assessed and levied by the said commission age assessment equally upon the net annual value of the se hereditaments within such district, rated as aforesaid, as such shall have been stated in such last preceding rate as aforesaid

LVI. And be it enacted, that for the purpose of ascertain property and the rate-payers within any such district as afor may be lawful for the said commissioners to apply to the union or respective unions within which the respective land district as aforesaid shall be situate; and such respective guar required to permit and suffer any person authorized by the sate to take a copy or copies of so much of any such last preceding aforesaid as relates to any of such lands or hereditaments district; and in case any person or persons having the customate or rates refuse to permit or shall not permit such person the said commissioners to take such copy or copies thereof or from respectively as aforesaid, the person or persons refusing such copy or extract to be made shall for each and every su and pay any sum not exceeding five pounds.

LVII. AND be it enacted, that it shall be lawful for the sa from time to time, by any warrant or warrants under their he appoint any person or persons whom they may think fit to cand respective sums of money payable as such assessment undaforesaid in respect of the rateable property in any such district or warrants shall specify the amount of money to be levied of this Act on the several and respective lands and hereditam district, and the portion thereof to be paid by each occupier of and hereditaments, or other persons liable to pay the same, a then last preceding rate; and on receipt of such warrant such of

authorized and required to levy the money therein mentioned according thereto; and such money shall and may be collected and levied, sued for and recovered, by such and the same ways and means as any grand jury cess, or the money applotted on the several persons liable to pay any grand jury cess, may be collected and levied.

LVIII. And be it enacted, that when any person occupying such lands or hereditaments within any such district shall be liable to pay a rent in respect of the same, he may deduct from such rent, for each pound of the rent which he shall be liable so to pay, one half of the sum which he shall have paid as such assessment in respect of each pound of the net annual value, (whether such rent shall be greater or less than such net annual value,) and so in proportion for any less sum than a pound.

LIX. And be it enacted, that where any person receiving rent in respect of Where more any such rateable property within such district shall also pay a rent in respect of the same, he shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of such assessment deducted from the rent received by him as the rent paid by him bears to the rent received by him: Provided always, that every lessor assessed instead of any occupier of rateable property shall be entitled to deduct from any rent paid by him in respect of such property a sum bearing such a proportion to one half of the assessment on such property as the rent paid by him bears to the net annual value of such property.

LX. And be it enacted, that any sum of money which under any such final Repayment of loan when award shall be payable as aforesaid by any proprietor of lands in respect of charged upon monies advanced by way of loan for or in respect of any works under the provisions of this Act, together with interest for such sum at a rate not exceeding five pounds per centum per annum from the date of such award, shall, from the date of the final declaration herein directed to be made, be charged upon the lands of such proprietor or proprietors as specified in such final declaration and award, and that in preference to and with priority over all charges and incumbrances on such lands, except quit rent and rent-charge in lieu of tithe; and if any sum of money so charged as aforesaid, or any instalment thereof, In case of or any interest in respect thereof, shall remain unpaid for the space of three of money so calendar months next after the time appointed for payment of the same by charged the said award, then it shall be lawful for the said commissioners, or any person authorized by them, to enter upon the land charged with or liable to the payment of the sum of money or interest so in arrear, or any part thereof, but subject nevertheless to such quit rent or rent-charge in lieu of tithes (if any) as aforesaid, and the rents and profits of such land to receive and take until thereby or otherwise the sum and interest so due (together with all costs and expences attending or occasioned by such entry, and receipt of the rents, profits, and issues of such land,) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the applica- Receiver may tion by petition of the said commissioners, to appoint a receiver of the rents profits, and issues of such land, which receiver shall have full power to receive the same rents, profits, and issues, and apply the same, after deduction of the necessary expences of the application to the said court, and of such quit rent or rent-charge in lieu of tithe issuing out of such lands and premises (if any), in payment of the sum and interest so due, until the same shall be fully paid;

Security for loans, and repayment.

Assessments to be recovered as grand jury cess. Proportion of assessment to be deducted from rent by occupier paying rent.

than one rent is paid.

proprietors.

Security for loans, and repayment.

or sum raised by mortgage.

Persons
making default
in repaying
principal and
interest for
thirty-one
days, to pay
1s. in the
pound as receiver's fees.

Occupiers
paying monies
on account of
proprietors to
deduct the
same from
their rents.

be bound to see to the application of his mortgage money whether the mortgage made by the said commissioners is herel LXI. AND be it enacted, that in any case where the lands of shall be charged by such final award with any sum of money is loan as aforesaid, then, in addition to all and every the sums charged by such final award of the said commissioners upon so the provisions of this Act, there shall be paid to the said conshilling in the pound on the total amount of the same respective receiver's fees thereon to be charged, payable and recoverable as such sums and interest aforesaid: Provided always, that no or the lands or property of such party or person, shall be

additional charge of one shilling in the pound who shall wi days next after the time appointed by any such award for the such sum and interest as aforesaid pay the amount to the cre

and it shall also be lawful for the said commissioners, if the

fit, to raise such sum and interest, and all costs and expences at

by mortgage of such land or a competent part thereof; a

mortgage, and every receipt given for the consideration mone

and effectual to all intents and purposes whatsoever; and no

commissioners into the Bank of Ireland, or into such other becommissioners shall for that purpose appoint.

LXII. And be it enacted, that in any case where the lands o shall be charged by such final award with any sum of mon any loan as aforesaid, every occupier of any such land who, n prietor thereof within the meaning of this Act, shall pay for occupation, on account of his landlord, any sum of money cha under and by virtue of the provisions of this Act, shall an authorized to deduct and retain out of his rent the amount money which he shall so pay as aforesaid, and the next immed such occupier, if not himself a proprietor of such land within this Act, shall and he is hereby authorized to make the like the rent payable by him, and so on, each sub-lessee and sub-less not being a proprietor thereof within the meaning of this Act, to deduct the sum so charged upon such land under or by vir from the rent payable to his next immediate landlord, until shall be made from the rent payable to a person being a propri meaning of this Act who shall not be entitled to make any from the rent (if any) payable by him; and every such occu or sub-lessor paying any such sum of money shall be acquitted of the sum so paid by him, as fully and effectually as if the actually paid to his landlord (except where there shall or may agreement to the contrary); but nothing herein contained shall construed to enable any occupier or lessee to deduct from his re expences incurred by nonpayment of the monies hereby imposed to be levied.

Maintenance
of works.

Norks to be

Works to be vested in commissioners, and to be maintained LXIII. AND be it enacted, that all works constructed, alter improved under the provisions of this Act shall be vested in th sioners and their successors, and shall be maintained, sustain repaired by said commissioners out of any tolls, rates, or rentered.

the provisions of this Act shall accrue to the said commissioners for or in respect of such works, or the lands purchased by or vested in said commissioners.

LXIV. And be it enacted, that all such harbours, piers, quays, landing places, and other works on the sea coast of Ireland which have been heretofore within forty-five years made wholly or in part with public money advanced for the purposes of the improvement of the fisheries, and which are not now private property, as the said commissioners shall deem fit and still useful for the purposes of the sea fisheries, and with respect to which the said commissioners shall give and publish such notice as herein-after provided, shall, together with all ways, rights, members, and appurtenances thereto belonging, be and the same are hereby declared to be public property, and the same shall, from and after the expiration of twelve calendar months from the passing of this Act, be vested in the said commissioners and their successors; and all the provisions in this Act contained with reference to the making of grants and loans for the construction of new works, or with reference to such works, and the several proceedings, matters, and things in any manner relating thereto, shall be deemed and construed to apply and be applied, so far as the same may be applicable, to the first repair, alteration, or improvement of such harbours, piers, quays, landing places, and other works as aforesaid; and after such first repair, alteration, or improvement (if any) the same shall be maintained as any other work under this Act: Provided always, that the said commissioners shall as soon as conveniently may be, and within twelve calendar months from the passing of this Act, by a notice or instrument in writing under their hands, declare and describe the several harbours, piers, quays, landing places, and other works which they shall so deem fit and useful for the purposes of the sea fisheries, and to be vested in the said commissioners; and that a copy of such notice or instrument shall be published within such period of twelve months in the Dublin Gazette, and in some one or more newspapers circulating in the neighbourhood of each such harbour, pier, quay, landing place, or other work respectively, and also, if the said commissioners deem fit, be posted at some public place at or near such harbour, pier, quay, landing place, or other work as aforesaid. Rep., Stat. Law Rev. Act, 1875.

LXV. And be it enacted, that when and so often as any pier, harbour, quay, landing Power to place, engine, or other work shall have been constructed, either wholly or in part, under the provisions of this Act, or become vested in the said commissioners under this Act, it shall and may be lawful for the said commissioners, and they are hereby authorized, to levy or cause to be levied and paid for the use of such pier, harbour, quay, landing place, engine, or other work, such tolls and rates as the commissioners of her Majesty's Treasury shall from time to time approve of: Provided always, that the amount of Amount of such tolls and rates shall not exceed the probable average annual expence of maintain- tolls. ing and repairing such pier, harbour, quay, landing place, engine, or other work, and of the contingent expences to be incurred by the said commissioners in relation thereto, and of the amount of interest at the rate of not less than five pounds per centum per annum on the capital, whether public or private, expended on such work: And provided Power to further, that in case it shall appear to the said commissioners that it would promote the public advantage that a less amount of tolls or rates should be levied, under the provisions of this Act, for the use of any such pier, harbour, quay, landing place, engine, or other work, or that such tolls or rates should be at any time increased with a view of thereby creating a fund for the improvement of such pier, harbour, quay, landing ments. place, engine, or other work, it shall be lawful for the said commissioners, and they are hereby authorized, to increase or to lower such tolls or rates to such extent and for such period as the said commissioners shall from time to time direct, with the approbation of the commissioners of her Majesty's Treasury. [Rep., Stat. Law Rev. Act, 1875.]

LXVI. And be it enacted, that the said commissioners shall cause an account or list, Lists of the printed or painted in large legible characters, of the several rates and tolls which the rates, tolls, &c. said commissioners shall from time to time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on boards in some conspicuous places. place, and continued and renewed as often as the same shall be obliterated or defaced, to, upon, or near every work or building at which any such rates or tolls shall be collected or received. [Rep., Stat. Law Rev. Act, 1875.]

LXVII. And be it enacted, that it shall be lawful for the said commissioners, if they Power to let shall so think fit, by public bidding, from time to time to let, and from time to time to the tolls and rates.

Maintenance of works.

out of tolls, rates, and rents arising therefrom. Certain existing harbours, piers, quays, works, &c.

commissioners:

and to be maintained as other works under this Act. Notices to be

or increase for improve-

to be affixed in conspictious

Maintenance of works.

Covenants, &c. in leases.

relet, all or any of the tolls or rates payable under the provisions of the not exceeding ten nor less than five years, on such conditions, and of for payment of the rent reserved on such lease, as the said commissifit, and the commissioners of her Majesty's Treasury shall from time Provided always, that every such lease shall contain a covenant on the or lessees to keep such work in repair, (so far as the ordinary wear work may render necessary,) and shall also contain a power of re-entrement of such rent, or nonperformance of such covenant for repairs, with months after the same shall become due, or after any breach of any stap power to such commissioners at any time to put an end thereto calendar months notice to the lessees or lessee thereof of an intention salways, that nothing in this Act contained shall be construed to extent tolls already raiseable and payable, or which shall hereafter be made able, by virtue of the provisions of any Act passed before the past [Rep., Stat. Law Rev. Act, 1875.]

Application of tolls and rents of lands, LXVIII. And be it enacted, that the tolls payable under the provision or the rent payable upon any lease thereof, or the rents payable in relet or leased by the said commissioners under the provisions hereinshall be applied in manner following; (that is to say,) first, in repairing the pier, harbour, quay, or other work in respect of which, or in adjacent and in connexion with which, such tolls or rents shall be paynext place in defraying all the contingent expences of the said committee to such work; and the surplus of such tolls or rents shall be invested in public or government securities, and suffered to accumula fund for the repair, reconstruction, or future improvement of such fund shall be applied for such purpose, at such time and in such macommissioners shall from time to time direct, and the commissioners Treasury shall from time to time appoint. [Rep., Stat. Law Rev. Ac

Power of enforcing payment of tolls. LXIX. And be it enacted, that it shall be lawful for the said of cases in which such tolls or rates shall not be leased or let, and for the of such tolls or rates, if leased or let, from time to time to appoint su and officers or agents for the purpose of receiving the tolls and rat this Act; and in case any person liable to pay such tolls or rates neglect to pay the same, it shall be lawful for the said commissioners, or lessee of the said tolls and rates, or their officer or agent, or other such toll or rate ought to have been paid, to seize the vessel, goods, ari in respect of which such tolls or rates ought to have been paid, wherever be found, and to detain the same until such tolls or rates, together with costs and expences of such seizure and detention, shall be paid; and goods, articles, and things shall not be redeemed within twenty-one seizure thereof, the same shall be appraised and sold, and, after deduct such seizure, detention, and sale, all such sums as shall be due in respectance shall be satisfied thereout, and the overplus paid to the owner, in the law directs in cases of distress for rent in arrear. [Rep., Act, 1875.]

LXX. AND be it enacted, that it shall and may be lawful for

missioners, and they are hereby authorized and empowered, from

to make such bye laws, rules, orders, and regulations, not being any law or statute in force in Ireland, as to them shall see

Commissioners to make bye laws;

> proper, according to the circumstances of every case, for better effect the purposes of this Act, or in any manner relating the time to time to alter or repeal all or any of such bye laws, r regulations, and to make others, and to impose such fines and

exceeding the sum of five pounds, upon all persons offending a such bye laws, rules, orders, or regulations, as to the said comm seem reasonable; and all such bye laws, rules, orders, and regular reduced into writing, and signed by the said commissioners or an

of them; and a copy thereof, signed by the said commissioners or an

and impose penalties. deposited with the clerk of the peace of every county in or near to which any work to which such bye laws shall relate shall be situate, and the same shall be kept with the records of the county; and a printed or painted copy of Bye laws to be such of the said bye laws, rules, orders, or regulations as shall subject any person, not being an officer or servant of the said commissioners, to any fine or penalty, shall be exhibited, on boards or otherwise, at or near each work, and in such other places as to the said commissioners shall seem fit, and shall from time to time be renewed as often as the same or any part thereof shall be obliterated or destroyed; and such bye laws, rules, and orders shall be binding upon and shall be observed by all persons whomsoever; provided that all such bye laws, rules, orders, and regulations be approved of and confirmed by the lord lieutenant or other chief governor or governors of Ireland in council, by writing under his or their hands.

LXXI. Provided always, and be it enacted, that in all cases of prosecution Production of for any offence or offences against any of the bye laws, rules, orders, containing and regulations of the said commissioners, the production of a book or bye laws document purporting to contain the bye laws, rules, orders, or regulations of missioners to the said commissioners, and authenticated by the signatures of any two or be evidence of more of the said commissioners, shall be evidence of the existence of such bye laws, rules, orders, or regulations: Provided always, that in every such prosecu- But proof tion it shall be proved that such printed or painted copy as aforesaid of such they were bye laws, rules, orders, or regulations was duly exhibited in manner herein-duly posted. before directed.

LXXII. And be it enacted, that all and every person or persons whomso-Persons ever who shall at any time hereafter wilfully and maliciously cut, break down, works guilty destroy, or damage any work, engine, or building, or any part thereof, which of misdeshall be erected and made for the purposes of this Act, or shall become vested in the said commissioners, shall be guilty of misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years.

LXXIII. And be it enacted, that if any person shall throw or deposit any Penalty on ballast, gravel, or other matter or thing into any harbour or precincts of any depositing pier, quay, landing place, or other work, so as to interrupt or obstruct the free ballast, opening locks, &c. navigation to or from any work which shall have been constructed or improved so as to by the said commissioners under this Act, or shall, without the consent of the obstruct navisaid commissioners, lay any ballast, gravel, stones, dirt, rubbish, lime, timbers, or clay on any of the banks, wharfs, or landing places of any of the works aforesaid, or if any person shall maliciously open any lock, sluice, dam, gate, or watercourse belonging to the said commissioners, or shall so leave any of the same open, or shall raise any wall, building, or other obstruction within or on such works, or the lands of said commissioners, without the consent in writing of the commissioners, such person, being convicted of any of the offences aforesaid before any justice or justices of the peace of the county where such offence shall be committed, or of any adjoining county, by the oath of one or more credible witness or witnesses, shall be fined by such justice or justices a sum not exceeding ten pounds, to be levied in such manner as is herein-after directed with respect to the levying any fine imposed by any justice or justices; and all such walls, buildings, or other obstructions may be

Maintenance of works.

forthwith pulled down and removed by the said commission or persons duly authorized by them, and the materials of succonstructions may be sold by order of the said commission costs of their removal.

Miscellaneous.

Penalty on persons assaulting commissioners and others engaged on the works, &c. LXXIV. AND be it enacted, that if any person or perprevent or assault any of the commissioners for the execut any engineer, or other officer, servant, or workman, acting the orders of any such commissioners in the execution of given by this Act, or shall wilfully destroy or injure any of tools, engines, or implements or materials kept or used by sioners or any of them, or by any person or persons employed of them, for or in the execution, maintenance, or repairs of under this Act, any person so offending shall, in addition to ment to which by law he may be subject for such offence, fevery such offence, upon conviction thereof by the oather credible witness or witnesses before any justice of the pereceding five pounds, as such justice shall think fit.

Proceedings by summons for the recovery of penalties before a justice.

LXXV. AND be it enacted, that in all cases in which penalty or forfeiture is made recoverable, by information or a justice of the peace, it shall be lawful for the justice of the complaint shall be made of any offence against this Act to a complained against before him, and on such summons to he the matter of such complaint, and on proof or admission commit the offender, and adjudge him to pay the penalty curred, and to proceed to recover the same, although a writing shall have been exhibited or taken by or before such such proceedings by summons without information in writin valid, and effectual, to all intents and purposes, as if an information exhibited.

Form of conviction before a justice.

LXXVI. AND be it enacted, that any justice of the peace person shall be convicted of any offence against this Act sha the conviction to be drawn up in the following form of worthesame effect:

to wit. BE it remembered, that on the A. B. is convicted be

' justices or justice of the peace for the county of ' by virtue of the Act passed in the ninth year of the reig

Queen Victoria, intituled [here insert the title of this

offence, and the time and place when and where the same

' as the case shall be], and we do adjudge that the said A said offence Given under our

' [or my hand and seal] the day and year aforesaid.'

Recovery of penalties.

LXXVII. AND be it enacted, that all penalties and forfei imposed by this Act, or incurred under the provisions or dand all sums payable for compensation or damage, the manner recovering whereof is not herein-before otherwise particula be recovered in a summary way by the order and adjudication of the peace of the county in or adjacent to which such offend

Proceedings not to be quashed for want of form.

No action to be brought against person acting in execution of this Act until

Tender of amends.

Payment into court.

Power to commissioners to adjourn meetings.

Commissioners may summon persons to give evidence.

Penalty for non-attendance or refusing to give evidence.

LXXIX. And be it enacted, that any orders, convictions ceedings to be had or made by or before any justice of the pe the powers granted by this Act, or any orders or proceeding made by, before, or on behalf of the said commissioners, or, in by or before the assistant barrister, shall not be quashed or v of form only.

LXXX. And be it enacted, that no action, suit, or inforbrought, commenced, or prosecuted by any person for any pursuance of this Act, or in execution of the powers or au contained, unless notice in writing of such action, suit, or inf after notice, &c. fying the ground or cause thereof, and signed by the attorney shall be given to the said commissioners or persons against wh are intended to be commenced at least twenty-one days before suit, or information shall be commenced.

LXXXI. And be it enacted, that no plaintiff shall recover be brought against any commissioners or any other person for in execution of the powers vested in them or him under this . sufficient amends shall be made by or on behalf of the commiss before such action is brought; and in case no tender shall have shall be lawful for the defendant in any action, by leave of the such action shall depend, at any time before issue joined, to pay sum of money as they or he shall think fit, whereupon such pro and adjudication shall be had and given in and by such co where the defendant is allowed to pay money into the court.

LXXXIII. AND be it enacted, that it shall be lawful for t sioners from time to time to adjourn any of the meetings to b under this Act to such time and place as they may think prop

LXXXIV. And be it enacted, that it shall be lawful for the sioners, upon any inquiry or proceeding to be had before the the provisions of this Act, to summon or examine upon oatl (which oath or affirmation the commissioners are hereby administer) any person whomsoever; and if any person, summoned before the said commissioners to give evidence touc to be inquired into under this Act, and having been paid sufficient sum of money, to be ascertained by the said commiss the charges of his attendance, shall not appear before the sai pursuant to such summons, without assigning some reasonable appearing, or shall refuse to be sworn or to be examined an touching the premises, the said commissioners, upon proof the shall and they are hereby authorized, by warrant under their to direct any person whomsoever to cause any sum of money five pounds, to be levied by distress and sale of the goods and person so neglecting or refusing to appear, or to be sworn and rendering the overplus (if any), upon demand, to the person v chattels shall have been so distrained and sold, after deducting charges attending such distress and sale; and the monies se aforesaid shall be considered as part of the monies directed Act may be amended, &c. LXXXVIII. And be it enacted, that this Act may be amended Act to be passed in the present session of Parliament. [Rep., S 1875.]

CHAPTER IV.

An Act to amend the Acts for promoting the Drainage Improvement of Navigation and Water Power in conn Drainage, in Ireland; and to afford Facilities for increafor the labouring Classes in Works of Drainage during t

5 & 6 Viet. c. 89.

8 & 9 Vict. c. 69.

Commissioners.

Security for money, and repayment.

Money payable in respect of lands drained, &c. under recited Act and this Act, as also money to be levied for maintenance of works, to be a first charge on lands drained or improved;

and a charge in the order of its date, upon so much as commissioners shall direct of all lands within one mile, settled to the

HEREAS an Act was passed in the sixth year of the re Majesty, intituled "An Act to promote the drainage " improvement of navigation and water power in conne " drainage, in Ireland": And whereas a certain other Act was ninth year of the reign of her said present Majesty, intit " amend an Act of the sixth year of her present Majesty, f " drainage of lands, and improvement of navigation and wat " nexion with such drainage, in Ireland": And whereas it is to promote the execution of works under the said recited Acts the security for monies to be borrowed for the purposes of Acts and this Act, to expedite and facilitate the proceedings to amend the said Acts in the several respects herein-after it therefore enacted by the Queen's most excellent Majesty, advice and consent of the lords spiritual and temporal, and present Parliament assembled, and by the authority of th commissioners for the time being acting in the execution of Acts shall be commissioners for the execution of this Act; and of declarations to be made and monies to be borrowed by t sioners, under the provisions of the said recited Acts or the after the first day of January in this present year, the remoney which by the final award to be made by the said con be specified as the proportions or contributions payable it several parcels or portions of the land drained, or improved by any works under the said Acts or this Act, with interest for sums of money at a rate not exceeding five pounds per centu also all sums to be rated and assessed under the provisions of recited Act or this Act, for the maintaining, sustaining, upholding of any of the works executed or to be executed und or this Act, shall from the date of such declaration be charged parcels or portions of the land so drained or improved as afore preference to and with priority over all charges and incum land (except quit rent and rent-charge in lieu of tithe); and tive sums of money, with such interest for the same as afores charged upon so much of any other land situate within one i of the lands so drained or improved, and settled, with the lan improved, to the same uses, intents, and purposes, by virtu contained in the same instrument or the same set of instru upon so much of any other land belonging to the same propri Security for money, and repayment.

shilling in the pound who shall, within thirty-one days appointed by any such award for payment of any such aforesaid, pay the amount thereof to the credit of the said the Bank of Ireland, or into such other bank as the said for that purpose appoint.

Power to recover sums under 50l. by civil bill, V. AND be it enacted, that if any sum of money charecited Acts or this Act, or any instalment or part thereo amount the sum of fifty pounds,) shall remain unpaid for one days next after the time appointed for payment of the of the said commissioners, then, in addition to the other paid recited Acts or either of them, or this Act, given for it shall be lawful for the said commissioners to recove bill against the party or person liable to pay the same aforesaid.

Commissioners may grant debentures to persons advancing money for purposes of recited Acts and this Act.

VI. AND be it enacted, that from and after the passin cases of monies to be borrowed and taken up at interest l sioners under the provisions of the said recited Acts and may be lawful for the said commissioners from time to time in the form of debenture for such monies, under the har said commissioners, to every person who shall advance an the purposes of the said recited Acts or this Act, every su numbered in the order of its execution by the commissione the amount of the sum for which each such debenture is of interest payable for the same, and the period to expi shall upon notice become payable, with a reference to the la or improvement of which, or river for the navigation reservoir or other work for the construction of which, su been so borrowed or taken up, and the district within which of them, may be situate; and that every such debenture the following words, or as near thereto as the circumstanadmit:

Form of debenture, ' No.

' Debenture to Lender of Money.

' Amount £

Drainage, navigation, and water power, in Ireland, 5 and 8 and 9 Victoria, c. 69, and 9 Victoria, c.

' in the county of

} No.

BY virtue of an Act passed in the sixth year of the rei

" and improvement of navigation and water power in con " drainage, in Ireland," and also of two other Acts passed

of the reign of her said Majesty, amending the same, we

being two of the commissioners for the execution of the sideration of the sum of

sterling to us

that the monies to become payable to the said commission tion of the said Acts under their final award, for and

Security for money, and repayment. in the Dublin Gazette, and in such other newspapers as they shall deem the fixing a time, not sooner than two calendar months from the date of such last-mentioned notice, when the principal money secured by any such debenture shall be paid or payable, having regard to the numerical order in which the several debentures for the district shall have been executed by the said commissioners; and in such notice the debenture to become payable shall be described by the name of such district in respect of the works within which such debenture shall have been so issued, and by the number or other mark fixed by the said commissioners on such debenture; and it shall be lawful for the said commissioners, at the expiration of the time in such notice stated, to pay off the monies due on account of any such debenture mentioned in such notice; and from and after the expiration of the time appointed by the said notice the interest on the principal monies secured by any such debenture shall cease and determine.

Preliminary proceedings.

What surveys, &c. shall be requisite for preliminary proceedings.

VIII. And whereas under the provisions of the said first-recited Act much expence and delay are caused in the proceedings preliminary to the issuing of the final notice to be published by the said commissioners, and to the commencement of the works by said Act authorized, and many of such proceedings may, under the provisions herein contained, be dispensed with or postponed: Be it therefore enacted, that for the purpose of all such preliminary proceedings, and to authorize the said commissioners to hold the meeting by the said first-recited Act directed previously to taking the assents of proprietors to the execution of any work under said Acts or this Act, and making the declaration aforesaid by said Acts or this Act directed to be made, as also issuing the final notice by the said first-recited Act directed to be given previously to proceeding with the execution of any of the works by said Acts or this Act authorized, it shall not be necessary for the said commissioners to obtain in detail a survey or valuation of the several plots or portions of land proposed to be drained or improved, or to make more than one survey of any such land, or to inquire into particulars of titles or tenures of the respective proprietors, lessees, or occupiers of such lands, or to state in detail the proportions in which such lands shall be liable to the costs of the execution of the proposed works, or the lands or other property to be purchased for the execution of the works, or the owners, lessees, or occupiers of such land, but, as regards all such matters and things as aforesaid, and for the purpose of enabling the said commissioners to take the assents of proprietors, and to make the declaration in and by the said recited Acts or this Act authorized, and to issue such final notice as aforesaid, it shall be deemed sufficient to have prepared and deposited such plans, sections, and estimates as the said commissioners may consider sufficient for the purpose of showing the works to be executed. with the estimated costs thereof, including all expences incidental thereto, showing also the district or limits within which it is proposed to put the powers of the said Acts or this Act into execution, as well as the extent of land or river to be drained or improved, together with a general statement of the average present value of the lands to be drained or improved, and of the increase in such average value estimated to arise from the execution of the proposed works, and a list of the reputed proprietors of such lands, with a return of the quantity of land within such district held by such proprietors respectively, so far as the same may have been ascertained by such general

Preliminary proceedings.

Audit of accounts of sums advanced or deposited.

25 Geo. 3. c. 52.

Sums advanced to be repaid out of monies borrowed for execution of works, or, in case no works are undertaken, to be repaid by memorialists.

Assents of proprietors of more than one half in extent of the lands to be drained and improved, with assents of tenants, to be deemed sufficient to authorize commencement of works.

If one moiety and less than two thirds of survey, valuation, and investigation, and in taking all other proceedings proceedings minary to the execution of any of the works by the said Acts or this authorized; and the accounts of the receipt, application, and expenditure well of all monies so to be advanced and paid to the said commissioners, a the sum so deposited and secured as aforesaid, shall be transmitted to commissioners for auditing and examining the public accounts of the kingo for the purpose of examination and final audit; and in examining, trying, auditing each and every of the said accounts the said commissioners shall l all the powers which are vested in them under an Act of the twenty-fifth; of the reign of King George the Third, intituled "An Act for better example of the reign of King George the Third, intituled "An Act for better example of the reign of King George the Third, intituled "An Act for better example of the reign of King George the Third, intituled "An Act for better example of the reign of King George the Third, intituled "An Act for better example of the reign of King George the Third, intituled "An Act for better example of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of the reign of t " ing and auditing the public accounts of this kingdom," and under any o Act now in force, or any law, usage, or custom, or otherwise howsoever; all and every sums or sum of money so to be advanced and paid out of consolidated fund aforesaid shall be repaid to the consolidated fund out of first monies to be borrowed by the said commissioners for the execution the said recited Acts and this Act for the purpose of executing the w towards the preliminary expences of which the same shall have been app as aforesaid; and in cases where the execution of the necessary works not be proceeded with, either in consequence of the said last-mentioned of missioners not approving of the same, or from the want of the proper num of assents of proprietors for such purposes, the said monies shall be repaid the said last-mentioned commissioners by the party or person who, or by grand jury of the county which, shall have made application by memoria the execution of any such works, and shall be recovered by the said l mentioned commissioners in such manner as by said first-recited Act direct and be by them paid over to the consolidated fund in such manner as commissioners of her Majesty's Treasury shall direct. XI. And whereas it is in and by the said first-recited Act enacted, that

works shall be commenced for the drainage of any land, under and by vi of the said Act, unless the proprietors of two thirds or more in extent of land proposed to be drained or improved by such drainage shall assent to execution thereof, in writing under their hands respectively, within such t as the said commissioners shall appoint: And whereas, by reason of absence of many proprietors, as well as the omission of others to sign necessary assent, even in cases where they have not expressed dissent, from other causes, it has been found difficult to obtain the written assent so many proprietors as heretofore required, and thereby the execution of m important and useful works of improvement have been and are injurious delayed: Be it therefore enacted, that all or any of the works for the drain of land under and by virtue of the said recited Acts or this Act, whether connexion with works for the improvement of water power, navigation otherwise, may be commenced, in case the proprietors of any quantity exce ing one half in extent of the lands proposed to be drained or improved such drainage shall, with the consent of the tenants (if any) of such lands in and by said first-recited Act required, assent, or shall have heretof assented, to the execution of the proposed works, in writing under their ha respectively, within such time as the said commissioners shall appoint, thing in the said recited Act to the contrary thereof notwithstanding.

XII. Provided always, and be it enacted, that in any case where one moie or any portion exceeding one moiety and not amounting to two thirds in extending the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the sta

Preliminary proceedings.

Restriction on appeals to assistant barrister against declarations by commissioners.

The length of time required by former Acts for giving notices or depositing maps, &c. may be reduced, except in case of notices to pay off certificates of loans.

Commissioners may affix names to districts, by which they shall be afterwards known for the purposes of recited Acts and this Act.

Errors, omissions, mis-statements, or misnomers, in proceedings or documents previous to and inclusive of the publication of the final notice, shall not invalidate any of the proceedings under this Act or the recited Acts.

XV. And be it enacted, that it shall not be lawful for any proposed to be made in any such mill or factory, or the works or alteration of the said this Act, save only in respect of any mill or factory pursuant to the said first-recited Act, or as to any assents to be given it construction of any reservoir, or the increased or more construction of any reservoir, or the increased or more construction of the provisions of the said recited Acts or this Act as to the matter or fact whether or not assents of the provided always, that no appeal against any such declaration is mill or factory shall stay the execution of the works proposed to be made in any such mill or factory, or the works thereto.

XVI. And be it enacted, that in all cases where notices are given, or maps, plans, sections, schedules, estimates, or other mater required to be deposited, by the said commissioners, for an under the recited Acts or either of them, or this Act, (save specially provided,) it shall not be necessary for the said commany longer notice, or to deposit any such maps, plans, see estimates, or other matters or things as aforesaid, for any longer three weeks from the date of such notice or deposit, as the Provided always, that nothing herein contained shall aut commissioners to give notice of paying off any certificates under the said recited Acts, or either of them, within than that in and by the said secondly recited Act is published.

XVII. And be it enacted, that it may be lawful for the sat to affix a name to each district within which it may be prop powers of the said recited Act or this Act into operation, and such districts shall for all and every the purposes of the said this Act be thereafter known, called, and described.

XVIII. AND be it enacted, that no error, misdescription, statement, or omission, in any of the schedules, maps, plans, se declarations or memorandum of declaration, or notices, by the or this Act required to be prepared, lodged, registered, or gi commissioners, shall invalidate the same, or any of them proceedings under the said recited Acts or this Act; and from publication of the final notice in and by the said first-recited directed to be given previously to the commencement of an said commissioners, no error or omission whatever in any of preliminary to the issuing of such final notice shall be deen invalidate any such proceedings, or the powers and authori commissioners, or prevent them from proceeding with the e works in their opinion necessary, and for that purpose effecting and doing all matters and things requisite for carrying fully such works, or the provisions of said recited Acts or this thereto, nor to affect or invalidate any award to be made b Reservoirs and navigation.

Limit of liability of shareholders.

Commissioners shall pay to companies providing funds for such purposes the surplus income arising from assessments, &c. in respect of the works constructed, after providing for the maintenance of the works.

If such surplus exceed 10 per cent. on sum expended, assessments, &c. may be reduced.

Reservoirs.

Commissioners may authorize the officers of any company formed under this Act to receive and collect the

assessments,

Any person liable to rate for original cost of construction of reservoir or embankment their registered name, and possess and enjoy the powers and pri said Act given, as and subject to the regulations in the said Ac provided and mentioned: Provided always, that no shareholder company shall be liable for or charged with the payment of demand due by or from any such company, beyond the extent of the capital of such company not then paid up.

XX. And be it enacted, that when any company of persons formed for any of the purposes aforesaid shall have provided an the said commissioners funds to defray the costs and expences o or constructing of any such reservoir or embankment, or th improving any such navigation, under the provisions of the said or this Act, and when such works shall have been completed, and expences thereof shall have been fully paid and satisfied to the sioners, it shall and may be lawful for the said commissioners, hereby required, after defraying the cost of supporting, mai upholding the several works of such reservoir or navigation, as be, which, under the provisions of the said first-recited Act and said commissioners are authorized and required to maintain, uphold, to pay to the company, or authorized officer thereof, which provided such funds, the whole of the surplus income which shall the assessment, rates, taxes, tolls, or rents imposed or to be impose commissioners from time to time on account of the original constr maintaining the works of such reservoirs or navigations respect vided always, that when the amount of such surplus income sha pounds per centum per annum on the total amount declared by the said commissioners to have been expended in or about the co such reservoir or works, the amount of such assessment, rates, t shall be so reduced by the said commissioners that the amount of income arising therefrom shall not exceed ten pounds per centur as aforesaid.

XXI. AND be it enacted, that it shall and may be lawful commissioners, if they shall so think fit, from time to time, or f time, to depute the duly authorized officers of any company formed for providing funds for the construction of any reservoir ment under the provisions of this Act to receive, collect, and assessment, rate, or tax imposed by the said commissioners, eit account of the cost of the construction of such reservoir or emban or on account of the cost and expences of maintaining, supporting, ing the same respectively; and it shall be lawful for such company for the purpose of collecting or recovering any such assessment, during the time they shall be so authorized as aforesaid, to ha exercise, subject to like regulations, all the powers, authorities, as in and by the said first-recited Act vested in the said commissi collection or recovery of any such assessment, rate, or tax as aforesaid.

XXII. PROVIDED always, and be it enacted, that in case any por company liable to pay any rate or tax for or on account of expences of the original construction of any such reservoir or emaforesaid shall desire to be exempt from the future payment the chasing from the said commissioners the portion of such rate or

Reservoirs.

Power to rate all parties deriving benefit by supply of water from reservoirs or embankments,

Increased supply of water.

Power to increase working water power of mills and factories in any district, and to rate such mills, &c. for expences, and expences of maintenance, with assent of owners of mills and factories possessing more than half the working water power.

benefit conferred on the property or interest of each respectively: Be it the fore enacted, that in all cases where the said commissioners shall, under provisions of the said recited Acts or this Act, make or construct any streservoir or embankment as aforesaid, it shall and may be lawful for the scommissioners, for the purpose of defraying the expence of constructing maintaining such reservoir or embankment, to impose a tax or rate, annual otherwise, not only on the mills and factories along or upon any such river stream, but also upon the property of all and every party or person who, company which, shall derive benefit from the making or constructing of such reservoir or embankment, by taking or using, or agreeing to take or a supply of water, or an increased or more constant supply of the same, hav regard to the benefit conferred or to be conferred on each respectively.

XXV. AND be it enacted, that in all cases of drainage, or of making or proving any navigation in connexion with any such drainage, under the s recited Acts or this Act, in which it shall be found by the said commission practicable to improve the working water power of any mills or factor situate within the district to be defined by the said commissioners, and wh the proprietors of such mills or factories possessing more than one half of value of the working water power of all such mills or factories which m derive benefit from such works shall signify their assent in writing to execution of the proposed works, it shall and may be lawful for the said co missioners to execute all such works as may be necessary for the improvem of such water power, and that all and every the powers, authorities, provisions in the said recited Acts given and contained for the execution any works thereunder shall be held and deemed to be applicable to the ex tion of the works which the commissioners may deem necessary for improvement of such water power, and for the purpose of contribut towards the repayment of the costs and expences of the works to be exec in the district within which any such mill or factory may be situate; and shall and may be lawful for the said commissioners, in and by the award. any instrument or instruments under their hands and seals, to assess and re all the mills and factories which in the opinion of the said commissioners ; or shall be benefited by any of the works executed within such district, a to fix and determine the amount of such rate or contribution which shall paid by the proprietors of each such mill or factory for the improvement whi shall be so effected, and also to fix and determine the proportion in which ea such mill or factory shall in future be rated for the maintenance of the wor within any such district, regard being had, in fixing such assessment and ra and proportion of rate respectively aforesaid, to the degree of benefit conferre upon each such mill or factory.

Reservoirs
and supply of
water from
other works.

XXVI. And whereas, after the construction of any reservoir, or the execution of works of drainage, or drainage and navigation combined, under the provisions of the said recited Acts or this Act, and after the making publication of the final award by the said first-recited Act directed to be made and published upon the completion of any such works, it may be found to by means of the construction of such reservoir or works a supply of was can or may be afforded for working any mill or factory, or for the purpose anavigation, irrigation, or the warping of lands, or for the supply of towns, for other purposes, and it is just and right that all persons deriving benefits

Reservoirs or improved water power; security for money, and repayment. commissioners shall, by their award, or any instrument under their hands and seals, and enrolled in the Rolls Office, direct, limit, and appoint, having regard to the sufficiency of the said lands to satisfy and secure the charge thereon, but subject, as to such other land as aforesaid, to the full amount of all other incumbrances thereon affecting the same prior to the registry of the memorandum of such declaration; and all the powers, authorities, and provisions in the said recited Acts or either of them or this Act contained or provided for or relating to the recovery and enforcing payment of the monies charged on lands under the provisions of the said Acts or either of them, or this Act, shall extend and apply to the recovery and enforcing payment of the monies charged on mills, factories, lands, or property under the provisions of this Act.

Navigation.

The surplus income from tolls to be paid in certain cases to counties, baronies, persons, or companies, securing, either separately or conjointly, the cost of the original construction or improvement of any navigation.

XXVIII. AND whereas by the said first-recited Act certain provision is made with regard to the application of surplus income from tolls in respect of navigations constructed or improved under the said Act; and with a view to encourage the formation and making of such navigations it is expedient to amend such provision: Be it therefore enacted, that in all cases where the costs of constructing or improving any such navigation, with all expenses incidental thereto (including interest on borrowed monies), shall have been secured by any presentment passed by the grand jury of any county or counties, or by the guarantee of any person, party, or company, or partly by such presentment and partly by such guarantee, under said first-recited Act or this Act, and such costs, expences, and interest shall have been paid to the said commissioners under and by virtue of such security, the said commissioners shall apply and pay to the use and benefit of the party, person, or company who shall have guaranteed and paid the whole or the part (as the case may be) of such costs and expences and interest the whole or the proportion at part (as the case may be) of the surplus income which shall arise from or in respect of any tolls, rates, or rents to be imposed or levied in respect of any such navigation, after defraying all expences incidental to the maintenance of the works, and the several other matters and things, as in said Act mentioned : and in cases where such costs, expences, and interest, or any part thereof, shall have been secured by grand jury presentment, such surplus income, or such proportionate part thereof, shall be paid to the treasurer of the county or counties respectively which shall have secured or become liable for such costs and expences, in the proportions in which such county or counties, or part thereof, shall have contributed towards the expence and costs of such navigation, and be by every such treasurer brought to the credit of the county. barony, half barony, or townlands, which shall have so secured and become liable to such costs as aforesaid, in the proportions in which the same shall have contributed or paid as aforesaid: Provided always, that when and so soon as the amount of such surplus annual income arising from such tolls. rents, or rates of any such navigation shall exceed the rate of ten pounds per centum per annum on the original costs of construction thereof, and the expences incidental thereto, including all interest paid on monies borrowed for such purposes, such rates and tolls shall be reduced by the said commissioners so that the amount of such surplus annual income arising from such tolls, rents, and rates shall not exceed ten pounds per centum per annum upon the original costs of construction as aforesaid: Provided also, that nothing here in

If surplus income exceed ten per cent. on original outlay, tolls to be reduced.

Power of

Navigation.

to be imposed on any navigation. and acting under an Act passed in the fifth year of the reign of her pres Majesty, intituled "An Act to authorize the advance of money out of the c " solidated fund to a limited amount, for the carrying on of public works an "fisheries and employment of the poor; and to amend the Acts authorizing " the issue of Exchequer bills for the like purposes," or any Act or Acts to amending the same respectively, and they are hereby respectively empowere if they shall think fit, from time to time, out of any funds at their disposal, lend and advance any sum which may be necessary for the purpose of making any such river navigable, or improving the navigation thereof in connex with drainage, upon the credit of the rates, tolls, and duties to be impo raised, collected, and received for and in respect of any such navigat together with such other security (if any) as the commissioners of Majesty's Treasury shall deem fit or require: Provided nevertheless, tha advance of money shall be made for any of the purposes aforesaid unless the consent of the commissioners of her Majesty's Treasury, or any thre more of them; and that all such monies so lent and advanced as afor shall be repaid, with interest thereon, as the said commissioners of Treasury shall direct, from and out of the monies accruing to the cor sioners for the execution of the said first-recited Acts and this Act out o tolls, rents, and rates to be levied and collected out of or in respect of any navigation.

No advance without consent of Treasury.

Monies lent to be repaid with interest out of tolls.

Navigations
may be made,
under this and
recited Acts,
in districts
where works
for drainage
have been commenced or
completed,
after commencement or
completion of
such works.

In case of grant and loan in aid of navigation, the amount advanced by way of loan shall be repaid by the district benefited, and tolls shall be levied for maintenance only.

XXXII. And whereas after the commencement or completion of work drainage by the improvement of any river or stream in any district, under provisions of said recited Acts or this Act, it may be found that by the struction of some additional works a useful navigation may be made, an counties or baronies or any persons interested may be desirous of having additional works constructed, and such navigation made or improved, u the provisions of the said recited Acts or this Act: Be it therefore ena that in case any such navigation may be made or improved after the mencement or completion of any works for drainage by the improvement any river or stream in any district, all the powers, provisions, restrictions, authorities in or by the said recited Acts or this Act contained and giver the making, improving, and maintaining any navigation in connexion v works for drainage, or in any manner relating thereto, shall extend apply, so far as the same are applicable, to the making, improving, and making taining any such navigation, and to all matters and things in relation ther after the works for drainage in any district shall have been commenced completed.

XXXIII. And be it enacted, that in all cases where, for the purpose navigation connected with drainage, a free grant of a moiety or more of expence of making or improving any such navigation shall or may be munder the authority of Parliament, and the other moiety or residue of expence of making or improving such navigation shall or may be raised advanced by way of loan, under the provisions of the said recited Acts or that, then such moiety or residue so raised or advanced shall, with interfrom the date of such loan, be charged upon the district which by the declar tion to be made in such case by the said commissioners under the provision of the said first-recited Act it shall be declared will be benefited by the make or improving of such navigation, and the several baronies, half baronies,

In default of repayment of expenditure in draining bog, moor, or waste lands, commissioners may demise a competent portion thereof for ninety-nine years, at a rent not less than the annual value of the lands before the works were commenced. taking such fine or premium as can be obtained.

Monies received for such rent, fine, &c. to be applied in making re-payment of monies advanced for works, &c.

On re payment, commissioners to convey lands, subjec to lease, to persons entitled to reversion expectant upon lease.

In default of payment for 12 months or money secured upon bog, moor, or waste lands, if it cannot be raised by demise, commissioners may levy amount by sale of the lands or a competent part thereof.

XXXVIII. And whereas under the provisions of the sai this Act the commissioners may be called upon to drain bo lands, or lands to be embanked from the sea or tideway, an the money expended in draining such lands may mainly or upon the cultivation or reclamation thereof after such drainage effected: Be it therefore enacted, that in case of the drainag of any such lands as last aforesaid, if default shall be made of any sum of money charged upon any such lands under th the said commissioners for any period exceeding six months, for the said commissioners, if they shall so think fit, to lease persons or person, in one or more lots or divisions, such land portion thereof, for any term not exceeding ninety-nine thereout to the said commissioners such annual rent as the not being less than the annual value of such lands before t drainage or embankment were commenced; and in making demise it shall and may be lawful for the said commission receive such sum of money by way of fine or premium a had for the making or granting such lease or demise; and or demise shall be good, valid, and effectual in the law aforesaid, and shall be binding and conclusive upon all and person whatsoever, and shall take priority of all charges whatsoever and wheresoever made, except quit rent, and ren tithe, and chief rent, as in said first-recited Act construed such shall be payable thereout.

XXXIX. And be it enacted, that any such sum of more received by the said commissioners for or on account of such or for such rent of such demised premises, from time to time by the said commissioners in discharge of the loans or more the execution of such works, with all interest due thereof amount of such loans or borrowed monies, with all interest costs and expences of the proceedings incidental to their expended in and about such works, and the making of such aforesaid, shall have been fully paid and satisfied, the said of and they are hereby required, by any deed under their has convey and release all their right, title, and interest in such subject to such lease as aforesaid, and in the rent reserved person or persons respectively who shall be then entitled expectant upon the said lease.

XL. And be it enacted, that if default shall be made in any sum of money charged upon any such lands as last at final award of the said commissioners, for any period exceeding and that the same cannot, in the opinion of the said commissioners, or such person or persons as shall be nominated any two or more of them, without any other process or wand to take possession of all or any parts or part of such last the same or a competent part thereof to raise and levy sum money as shall be sufficient to repay all monies so due and or in respect of such lands, and all costs as between attorney

other charges whatever attending such proceedings; and the monies so recovered (the costs and charges aforesaid excepted) shall be paid and applied in and towards the reimbursement and satisfaction of the sum so due upon and in arrear in respect of such lands; and the receipt of such person or persons as the said commissioners shall nominate and appoint as aforesaid shall alone be a full and sufficient discharge to all and every person and persons whatsoever, and by whatever title claiming, or howsoever entitled or deriving, for the purchase money or purchase monies of the respective interest or property so sold; and such purchaser or purchasers, or other person or persons, shall not be bound to see to the application thereof, nor shall be liable or in any manner accountable for the misapplication or nonapplication of such money or monies by the person or persons appointed by the said commissioners as aforesaid or any of them; and every such sale shall be good, valid, and effectual in the law for the purposes aforesaid, and to convey a good and valid title to the purchaser or purchasers of any such lands, free from and in priority to all charges or incumbrances thereon whatsoever, and shall be binding and conclusive upon all and every person or persons whatsoever; and all the estate, right, title, or interest of or in the said lands so sold shall and may be conveyed and assured to the purchaser or purchasers thereof by any deed or deeds of conveyance to be executed under the hands and seals of the said commissioners or any two of them, subject nevertheless to any quit rent, rentcharge in lieu of tithe, or chief rent, as in said first-recited Act construed or defined, which shall have been reserved or payable thereout previous to the registry of the memorandum of the declaration with respect to such lands, as by the said secondly-recited Act provided, and the estate or estates to which such chief rent or chief rents shall be incident.

XLII. And whereas many aqueducts, culverts, and tunnels under canals in Ireland are, either by reason of their original construction, or from neglect to cleanse and scour the same, insufficient to discharge the flood waters of the streams or drains upon which they are constructed at a sufficiently low level for the purposes of draining the lands lying above such aqueducts, culverts, and tunnels, whereby much injury is done and improvement prevented in such lands, and it is expedient, just, and right to provide means whereby such evil may be prevented: Be it therefore enacted, that in all cases when such Aqueducts, insufficiency as aforesaid is caused by reason of neglect to scour or cleanse, or culverts, and by the accumulation of matter in such aqueducts, culverts, or tunnels as afore-canals to be said, the canal company to whom such aqueducts, culverts, or tunnels belong, keptthorous after fourteen days notice in that behalf served upon the secretary, treasurer, canal comor known engineer of such company, shall cause, and they are hereby required panies to cause, such aqueducts, culverts, or tunnels to be thoroughly scoured and cleansed out, and all such accumulated matter to be removed; and in case any Proceedings such company shall neglect, for the space of ten days after the expiration of neglect. said fourteen days, or refuse, to cleanse, scour out, or remove such accumulated matter, it shall be lawful for the magistrates at petty sessions for the district in which such aqueduct, culvert, or tunnel shall be situate, upon the complaint of the party or parties injured, to summon before them the said canal company, and such other person or persons as to such justices may seem fit, and to hear and investigate the matter of such complaint, and determine the same, and, in

Alteration of aqueducts, &c. when necessary.

Payment of cost of alterations, &c.

Proceedings where proprietors unanimously desire to have their lands drained. case the said justices shall deem the said complaint to be order and direct any person or persons, to be named in and by by them issued in that behalf under their hands and seals, cleanse, scour out, and remove such accumulated matter from culvert, or tunnel; and the cost and expence of so doing, ar incidental thereto, shall and may be recovered from such can civil bill; and in all cases where such insufficiency as aforesaid by reason of the original construction of such aqueduct, culvert the canal company to which the same shall belong shall neglect of one month after the expiration of fourteen days from the ser in that behalf, or refuse, to enter into an agreement for the effe of such aqueduct, culvert, or tunnel, so as to make them in sufficient for the discharge of flood waters at so low a level injurious to such lands as aforesaid, it shall be lawful for an proprietors of such lands to apply by memorial to the lord lieu chief governor or governors of Ireland, stating the nature praying that relief may be afforded, and undertaking to pay the costs of altering such aqueduct, culvert, or tunnel as, under herein contained, he or they shall be deemed liable to pay; lawful for the lord lieutenant or other chief governor or gover. to direct that the commissioners for the execution of this Act aqueduct, culvert, or tunnel to be altered in such manner as seem sufficient for the free discharge of the flood waters at s will prevent injury to the lands above them, and, for the purpe such works, to apply any funds which may be at their dispose being under the provisions of the said recited Acts or this Act and expences of making such alteration, with all expences inci shall be recovered by the said commissioners in equal mo company to which such aqueduct, culvert, or tunnel shall belon proprietor or proprietors of such lands as aforesaid, by civil bi where such lands shall be situate, or by action or suit in any courts in Dublin; and service of such notice, summons, o the office of such company in Dublin, or on any known a of such company in the county where any lands the st complaint are situate, shall be deemed good service of the sa company.

XLIII. And whereas it is expedient to allow proprietors unanimous, to execute certain works instead of the commist enacted, that in any case in which all the proprietors of any labe drained shall unanimously apply by memorial to the said pursuant to the provisions of the said recited Acts or of this together with such memorial, furnish to the said commissioned writing, signed by themselves, and by all the occupiers of the to be drained or improved, and shall furnish to the said comfunds requisite for defraying all the preliminary expences a incurred under the provisions of the said recited Acts or of the lawful for the said commissioners to cause to be made such such examinations, maps, plans, sections, and estimates respecting a such report thereon, as by the said recited Acts and by this A

to be made, and shall cause the same respectively to be deposited for inspection, pursuant to the provisions of the said recited Acts and of this Act; and in case all such proprietors and occupiers shall thereupon unanimously assent in writing to the execution of the proposed work, and the declaration and all other proceedings thereon shall have been made and concluded, and the final notice shall be given, pursuant to the provisions of the said recited Acts and of this Act respectively, it shall be lawful for all the said proprietors, or for any one or more of them, having first obtained the consent in writing of all the others in that behalf, to undertake the execution of the said work, and to make and complete the same out of his or their own proper funds, according to and in conformity with the plans, sections, and specifications so approved of by the said commissioners; and when all such works shall have been fully executed and completed to the satisfaction of the said commissioners, in conformity with the said plans, sections, and specifications, it shall be lawful for the said commissioners to draw up and make their award in like manner as if the said works had been executed by the said commissioners under the said recited Acts and this Act; and all the provisions of the said recited Acts and of this Act, in relation to an award to be made in cases where the said commissioners shall have caused any work to be executed, shall apply to such last-mentioned award, so far as the same may be applicable thereto; and the respective sums of money which by such award shall be specified as the proportions or contributions payable in respect of the several parcels or portions of the land drained or improved by drainage, or by any works executed in the manner last aforesaid, comformable to the said plans, estimates, and specifications, and not exceeding the sum mentioned in such estimates, or such further sum or sums as the said commissioners shall direct or approve of, in or about such drainage or improvements as aforesaid, with interest for such respective sums at a rate not exceeding five pounds per centum per annum, to be specified in such award, to be payable and computed from the time or times for that purpose to be specified therein, shall be charged in favour of the person or persons who shall by such award be declared entitled thereto, and shall be secured, recovered, and raised or levied, in like manner, and with the like remedies, and by the like means and proceedings, as are given or provided by the said Acts and this Act in relation to the charging, securing, recovering, raising, or levying of the respective sums of money to be specified in any award to be made under the said recited Acts or this Act, and, when received, recovered, raised, or levied, shall, after deducting all such costs and charges of the said commissioners as shall not be recovered from the lands or persons liable thereto, be paid to the person or persons entitled thereto, or to his or their executors or administrators, according to the proportions specified in such award: Provided also, that it shall be lawful for the proprietor or proprietors who shall so execute such works pursuant to the provisions last aforesaid, or his or their executors or administrators, to proceed in the names of the commissioners, or of the secretary of the said commissioners, but with the consent of the commissioners first to be obtained in writing for that purpose, and upon full indemnity to them, and at the costs of such proprietor or proprietors, or his or their executors or administrators, for recovery of the several sums to which he or they shall and may be entitled under such award: Provided always, that in any case or cases wherein any mill or factory is to

be altered, removed, or injuriously affected, or where any exis to be affected or altered, or any new navigation created lawful for any person or persons, save the said commission execute any such drainage as last aforesaid, or any works for any part thereof, although all the proprietors of the lands improved by such works as last aforesaid shall have unany that the same shall be executed by them or one of them: It no portion of any work or works the expences of making or established by the chargeable upon or payable out of the funds of counties, or be raised or levied by presentment of any Ireland, shall be made or executed by any such proprietor or the powers last aforesaid.

Act to be construed with recited Acts.

Interpretation of terms.

XLIV. AND be it enacted, that the said recited Acts shall in full force and effect, save and except so far as the same are is altered by or inconsistent with this Act; and that the said this Act shall be construed together as one Act, and the prorecited Acts shall, subject to the variations made by this Ac and authorities of every nature and kind, and all punishing the commission or omission of any act done or forbidden to the said recited Acts, be applied to this Act, so far as the sa and not inconsistent with the provisions of this Act; and struction of this Act, except where the nature of the provisi of this Act shall exclude such construction, the words "person" or "persons," "proprietor" or "proprietors," and be construed to extend and be applied as in said recited directed and provided; and the word "declaration" in this declaration required to be made by the said commissioners commencement of any works under the provisions of the sa this Act; and the words "final award" in this Act shall required to be made by the said commissioners after the c such works; and every word importing the singular number and be applied to several persons and things as well as one and every word importing the plural number shall extend one person or thing as well as several persons or things; importing the masculine gender only shall extend and be a as well as a male; the words "said commissioners" shall i sioners, or (save where otherwise provided) any two of execution of the said recited Acts and this Act.

Alteration of Act. LII. And be it enacted, that this Act may be amended or repe be passed in this present session of Parliament. Rep., Stat. Law

CHAPTER XVII.

An Acr for the Abolition of the exclusive Privilege of trading in Burghs in Scotland. [14th May 1846.]

HEREAS in certain royal and other burghs in Scotland the members of certain guilds, crafts, or incorporations possess exclusive privileges of carrying on or dealing in merchandize, and of carrying on or exercising certain trades or handicrafts, within their respective burghs; and such guilds, crafts, or incorporations have corresponding rights, entitling them to prevent persons not being members thereof from carrying on or dealing in merchandize, or from carrying on or exercising such trades or handicrafts, within such burghs: And whereas it has become expedient that such exclusive privileges and rights should be abolished: Be it therefore enacted by the Queen's most excellent After the pass-Majesty, by and with the advice and consent of the lords spiritual and exclusive temporal, and commons, in this present Parliament assembled, and by the privileges and authority of the same, that from and after the passing of this Act all such exclusive privileges and rights shall cease, and it shall be lawful for any person to carry on or deal in merchandize, and to carry on or exercise any trade or handicraft, in any burgh and elsewhere in Scotland, without being a burgess of such burgh, or a guild brother, or a member of any guild, craft, or incorporation: Provided always, that in lieu of the stamp duties of one pound and three pounds now payable on the admission of any person as a burgess or into any corporation any corporation or company in any burgh in Scotland, for the enrolment, entry, or memorandum thereof in the court books, roll, or record of such corporation or company, there shall from and after the passing of this Act be paid on every such admission a stamp duty of five shillings.

II. AND be it enacted, that notwithstanding the abolition of the said exclu- Incorporations sive privileges and rights all such incorporations as aforesaid shall retain their corporate character, and shall continue to be incorporations, with the character, and same names and titles as heretofore; and nothing herein contained shall anywise affect the rights and privileges of such incorporations, or of the office and their rights, bearers or members thereof, except as herein-before enacted.

III. And whereas the revenues of such incorporations as aforesaid may in some instances be affected, and the number of the members of such incorporations may in some instances diminish, by reason of the abolition of the said exclusive privileges and rights, and it is expedient that provision should be made for facilitating arrangements suitable to such occurrences: Be it there- Incorporations fore enacted, that it shall be lawful for every such incorporation from time to laws, &c., relatime to make all bye laws, regulations, and resolutions relative to the manage- tive to applicament and application of its funds and property, and relative to the qualification admission of and admission of members, in reference to its altered circumstances under this members, &c. Act, as may be considered expedient, and to apply to the Court of Session, by summary petition, for the sanction of the said court to such bye laws, regulations, or resolutions; and the said court, after due intimation of such application, shall determine upon the same, and upon any objections that may be made thereto by parties having interest, and shall interpone the sanction of the said court to such bye laws, regulations, or resolutions, or disallow the same in whole or in part, or make thereon such alterations, or adject thereto such conditions or qualifications, as the said court may think fit, and generally

ing of this Act rights of trading in burghs in Scotland to cease and in lieu of the stamp duties now payable on admission as a burgess or into in any burgh, a shall be paid.

their corporate their names and titles. except as herein-before enacted.

of the Court of Session.

Such bye laws, &c., when sanctioned by Court of Session, to be valid.

Existing powers of making bye laws, &c., not to be affected. shall pronounce such order in the whole matter as may to the just and expedient; and such bye laws, regulations, or resolusuch alterations and conditions as aforesaid, shall be, when the said court shall have been interponed thereto, valid and effects on such incorporations: Provided always, that nothing therein affect the validity of any bye laws, regulations, or resolution made by any such incorporation without the sanction of the sit would have been heretofore competent for such incorporation of its own authority or without such sanction.

CHAPTER XX.

An Act to amend an Act of the Second Year of Her preservoiding for the Custody of certain Monies paid, in published Standing Orders of either House of Parliament, by Subsection Undertakings to be effected under the Authority of Parliament.

1 & 2 Vict. c. 117.

Recited Act repealed.

Authority to deposit money required by standing orders of either house of Parliament to be deposited by subscribers to any undertaking to be executed under authority of Parliament. WHEREAS an Act was passed in the second year of the present Majesty Queen Victoria, intituled "An Act to custody of certain monies paid, in pursuance of the standing house of Parliament, by subscribers to works or undertaking under the authority of Parliament": And whereas it is expected act should be repealed, and should be re-enacted, with succept actions, and alterations as after mentioned: Be it therefore Queen's most excellent Majesty, by and with the advice and conspiritual and temporal, and commons, in this present Parliament asset authority of the same, that the said Act shall be and is hereby repeated.

II. And be it enacted, that in all cases in which any su required by any standing order of either house of Parliament, eit or hereafter to be in force, to be deposited by the subscribers undertaking which is to be executed under the authority of a ment, if the director or person, or directors or persons, having t of the affairs of such work or undertaking, not exceeding five i apply to one of the clerks in the office of the clerk of the P respect to any such money required by any standing order spiritual and temporal in Parliament assembled, or to one of ti private bill office of the House of Commons with respect to a required by any standing order of the commons in Parliamen be deposited, it shall be lawful for the clerk so applied to, by w under his hand, to direct that such sum of money shall be p herein-after mentioned; (that is to say,) into the Bank of I name and with the privity of the accountant general of the Co in England, if the work or undertaking in respect of which the is required to be deposited is intended to be executed in the United Kingdom called England, or into any of the bank established by Act of Parliament or royal charter, in the name privity of the Queen's remembrancer of the Court of Exchequ at the option of the person or persons making such application

purchase.

case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland, or into the Bank of Ireland, in the name and with the privity of the accountant general of the Court of Chancery in Ireland, in case such work or undertaking is intended to be made or executed in that part of the United Kingdom called Ireland; and such warrant or order shall be a sufficient authority for the accountant general of the Court of Chancery in England, the Queen's remembrancer of the Court of Exchequer in Scotland, and the accountant general of the Court of Chancery in Ireland, respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

III. AND be it enacted, that it shall be lawful for the person or persons Payment of named in such warrant or order, or the survivors or survivor of them, to pay the sum mentioned in such warrant or order into the bank mentioned in such warrant or order, in the name and with the privity of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there ex parte the work or undertaking mentioned in such warrant or order, pursuant to the method prescribed by any Act or Acts for the time being in force for regulating monies paid into the said courts, and pursuant to the general orders of the said courts respectively, and without fee or reward; and every such sum so paid in, or the securities in or upon which the same may be invested as herein-after mentioned, or the stocks, funds, or securities authorized to be transferred or deposited in lieu thereof as hereinafter mentioned, shall there remain until the same, with all interest and dividends, if any, accrued thereon, shall be paid out of such bank, in pursuance of the provisions of this Act: Provided always, that in case any such director Transfer or or person, directors or persons, having the management of any such proposed deposit of work or undertaking as aforesaid, shall have previously invested in the three lieu of money. per centum consolidated or the three per centum reduced bank annuities, Exchequer bills, or other government securities, the sum or sums of money required by any such standing order of either house of Parliament as aforesaid to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to deposit such Exchequer bills or other government securities in the bank mentioned in such warrant or order, in the name and with the privity of the officer or person in whose name such sum shall by such warrant or order be directed to be paid, or to transfer such government stocks or funds into the name of the officer or person; and such transfer or deposit shall be directed by such clerk of the office of the clerk of the Parliaments, or such clerk of the private bill office of the House of Commons, as the case may be, in lieu of payment of so much of the sum of money required to be deposited as aforesaid as the same Exchequer bills or other the government stocks or funds will extend to satisfy at the price at which the same were originally purchased by the said person or persons, director or directors as aforesaid, such price to be proved by production of the broker's certificate of such original

IV. And be it enacted, that if the person or persons named in such warrant Investment of or order, or the survivors or survivor of them, desire to have invested any sum deposit paid into Bank of so paid into the Bank of England or the Bank of Ireland, or any interest or England or

Bank of Ireland. dividend which may have accrued on any stocks or securities s deposited as aforesaid, the court in the name of whose account same may have been paid may, on a petition presented to s summary way by him or them, order that such sum or such it dends shall, until the same be paid out to the parties entitled a pursuance of this Act, be laid out in the three per centum three per centum reduced bank annuities, or any government securities, at the option of the aforesaid person or persons, or to survivors of them.

Repayment of deposit.

V. AND be it enacted, that on the termination of the session in which the petition or bill for the purpose of making or sanct work or undertaking shall have been introduced into Parlian petition or bill shall be rejected or finally withdrawn by some either house of Parliament, or shall not be allowed to proceed, or persons by whom the said money was paid or security depo failed to present a petition, or if an Act be passed authorizing such work or undertaking, and if in any of the foregoing case persons named in such warrant or order, or the survivors or su or the majority of such persons, apply by petition to the cou of whose accountant general the sum of money mentioned in s order shall have been paid, or such Exchequer bills, stocks, or been deposited or transferred as aforesaid, or to the Court of Scotland, in case such sum of money shall have been paid in t said Queen's remembrancer, the court in the name of whose acc or Queen's remembrancer such sum of money shall have been Exchequer bills, stocks, or funds shall have been deposited or to by order direct the sum of money paid in pursuance of such w or the stocks, funds, or securities in or upon which the same invested, and the interest or dividends thereof, or the Exchequ or funds so deposited or transferred as aforesaid, and the int dends thereof, to be paid or transferred to the party or parties to any other person or persons whom they may appoint in that such order shall be made in the case of any such petition or bil or not being allowed to proceed, or being withdrawn or not b or of an Act being passed authorizing the making of such work unless upon the production of the certificate of the chairman of the House of Lords with reference to any proceeding in Lords, or of the speaker of the House of Commons with refere ceeding in the House of Commons, that the said petition or b or not allowed to proceed, or was withdrawn during its passage the houses of Parliament, or was not presented, or that such , which certificate the said chairman or speaker shall grant on th writing of the person or persons, or the majority of the persons warrant, or the survivor or survivors of them : Provided al granting of any such certificate, or any mistake or error therei thereto, shall not make the chairman or speaker signing the respect of any monies, stocks, funds, and securities which deposited, invested, or transferred in pursuance of the provision or the interest or dividends thereof.

Certificate required in certain cases.

Granting certificate, &c. not to make the chairman or speaker signing the same hable.

CHAPTER XXIV.

AN ACT for removing some Defects in the Administration of Criminal Justice. [26th June 1846.]

HEREAS in certain cases of felony the court is not empowered by law to award sentence of transportation for a less period than the term of the offender's life or some long term of years, or sentence of imprisonment for any shorter term than two years; but it is desirable that some such offenders should suffer transportation or imprisonment for a shorter period respectively, at the discretion of the court before which they are convicted: Now be it Power of enacted by the Queen's most excellent Majesty, by and with the advice and criminal courts consent of the lords spiritual and temporal, and commons, in this present transportation Parliament assembled, and by the authority of the same, that in all cases and imprisonwhere the court is now by law empowered or required to award a sentence of transportation exceeding seven years it shall be lawful for such court, at its discretion, to award a sentence of transportation for a term of years not less than seven years, or to award such sentence of imprisonment for any period not exceeding two years, with or without hard labour, as shall to the court in its discretion appear just under all the circumstances.

II. And whereas it is now required by law that no indictment shall be presented before the grand jury of the Central Criminal Court for certain offences unless the party prosecuting shall have first entered into recognizances to prosecute: Be it enacted, that the said provision be and the same is hereby How indietrepealed; and [Rep., Stat. Law Rev. Act, 1875.] that bills of indictment may be preferred by any person before the grand jury of the said court for any offence alleged to be committed within the jurisdiction of the said court in the same Criminal manner as may be done before any other grand jury.

ments before grand jury of Central Court may be preferred.

III. And whereas doubts have been raised as to the proper place of trial, where indictments have been removed by writ of certiorari from the Central Criminal Court into the Court of Queen's Bench: Be it enacted, that every Writs for Writ of certiorari for removing an indictment from the said Central Criminal Court shall specify the county or jurisdiction in which the same shall be tried; from Central and a jury shall be summoned and the trial proceed in the same manner in all Criminal Court respects as if the indictment had been originally preferred in that county or county, &c. in Jurisdiction.

indictments which same shall be tried.

IV. And whereas by an Act passed in the last session of Parliament, 8 & 9 Vict. intituled "An Act to stay execution of judgment for misdemeanors upon giving bail in error," it is (amongst other things) enacted, that the clerk of the crown in the Court of Queen's Bench shall, for the purposes in the said Act mentioned, make out and deliver certificates in writing under his hand of the due filing of record in the said court of any recognizance given to prosecute any writ of error in the manner in the said Act mentioned, and that any such certificate, when duly verified by affidavit, shall be a sufficient warrant to every gaoler or other person having the custody of such defendant or defendants in execution of such judgment to discharge him or them out of custody, and also to every person having in his possession the whole or any part of any fine levied in execution of any such judgment to authorize and require the repayment thereof to the defendant or defendants: And whereas the making of such affidavit creates unnecessary expence and delay, and it is expedient to

Certificate of recognizance filed under recited Act, made out by proper officer, and sealed, to be sufficient warrant for discharge of defendant, or repayment of fine, without affidavit.

dispense with the same, and to make further provision for delivery of such certificates: Be it therefore enacted, that any as aforesaid under the hand either of the said clerk of the master or assistant master on the crown side of the said court the seal of the crown office in the said court, shall be a suffice the discharge of any such defendant or defendants, and for the any such fine.

CHAPTER XXVII.

An Act to amend the Laws relating to Friendly Societies. [4]

4 & 5 Will. 4. c. 40, W HEREAS by an Act passed in the fifth year of the reign of intituled "An Act to amend an Act of the tenth year of his "George the Fourth, to consolidate and amend the laws relating to it is enacted, that it shall and may be lawful for any number of Britain and Ireland to form themselves into and to establish a socivisions of the said recited Act, for the mutual relief and maintenant the members thereof, their wives, children, relations, or nominees, in advanced age, widowhood, or any other natural state or conting occurrence is susceptible of calculation by way of average, or for which is not illegal: And whereas doubts have been entertained f society may be established under the provisions of the said Act, at that such purposes be better defined: Be it enacted by the Quee Majesty, by and with the advice and consent of the lords spiritual commons, in this present Parliament assembled, and by the authority a society may be established, under the provisions of the said Act following purposes; (that is to say,)

 For the lawful insurance of money to be paid on the death of their husbands, wives, or children, kindred, or nominees, or expences of the burial of the members, their husbands, wives vided that no person under the age of six shall be allowed to of such society, and that no insurance shall be effected on the under six years of age:

For the relief, maintenance, or endowment of the member wives, children, kindred, or nominees, in infancy, old age, sic or any other natural state of which the probability may be ca

average

3. Toward making good any loss sustained by the members by wreck, or by any contingency of which the probability ma way of average, whereby they shall have sustained any loss of live or dead stock, or goods or stock in trade, or of the tools their trade or calling:

4. For the frugal investment of the savings of the members for be to purchase food, firing, clothes, or other necessaries, or the t of their trade or calling, or to provide for the education of

Fa This Act is rep., 13 & 14 Vict. c. 115. s. 1., except so far as applicable to any benefit building society established under 6 & 7 V a proviso that its provisions, except as therein-after provided, shall as to all societies established under it before the passing of the repeat

By 17 & 18 Vict. c. 56. s. 2., it is enacted, that "the several prov" the Acts relating to friendly societies which were wholly or in pa

" first day of the present session of Parliament with respect to the to be affected and provided for by this Act shall, so far as the

" societies, remain and be in force and unrepealed with respect to

" except as is herein-after provided."

The whole Act is rep., 18 & 19 Vict. c. 63. s. 1.]

Purposes for which societies may be formed under 10 Geo. 4. c. 56. and 4 & 5 Will. 4. c. 40.

kindred, with or without the assistance of charitable donations: Provided always, that the shares in any such investment society shall not be transferable. and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing, or the husband, wife, children, or kindred of such member, and that no part thereof shall be appropriated to the relief, maintenance, or endowment of any other member or person whomsoever, and that the full amount of the balance due according to the rules of such society to such member shall be paid to him or her on withdrawing from the society, and that no such last-mentioned society shall be entitled or allowed to invest its funds, or any part thereof, with the commissioners for the reduction of the national debt:

5. For any other purpose which shall be certified to be legal in England or Ireland by her Majesty's attorney or solicitor general, and in Scotland by the lord advocate, and which shall be allowed by one of her Majesty's principal secretaries of state as a purpose to which the powers and facilities of the said Acts ought to be extended; provided that the amount of the sum or value of the benefit to be assured to any member, or any person claiming by or through him or her, by any society for any purpose so certified and allowed as herein-before mentioned, shall not exceed in the whole two hundred pounds; and that this limitation shall be inserted in the rules of every society established for any purpose so certified and allowed; and that no such last-mentioned society shall be entitled or allowed to invest its funds or any part thereof with the commissioners for the reduction of the national debt.

II. And be it declared and enacted, that any member of a friendly society, the rules of which do not prescribe the time when or the conditions on which members shall be allowed to withdraw themselves, shall be allowed to withdraw himself or herself at any time from such society, on giving written notice to the secretary or other proper officer of the society of his or her intention to do so, and on payment of all arrears due by such member; but after giving such notice as aforesaid no member shall be entitled to have any benefit from the funds of the society, or be liable to any further subscription or arrears. payment, other than the amount of the arrears due from him or her at the time of Payments to giving such notice.

III. And be it enacted, that when a society is formed, under the provisions of the for each pursaid Acts or this Act, for any purpose in addition to that of providing relief, maintenance, or endowment, in case of infancy, old age, sickness, widowhood, or other shall be kept separate and distinct, or the charges defrayed by extra subscriptions of the members, at the time such contingencies take place

IV. And be it enacted, that the rules of every friendly society established after the provide that Passing of this Act shall provide that a book or books be kept, in which all monies separate acreceived or paid on account of any particular fund or benefit for which the rules of the society provide shall be entered in a separate account, distinct from the monies received and paid on account of any other benefit or provision.

VII. And be it enacted, that any friendly society established before the passing of Forestablishing this Act for any purpose which is herein-before specified, or for any legal purpose the legality of Which shall be certified and allowed as is herein-before provided, and shall not have certain been adjudged not to be within the provisions of the first-recited Act by any court of societies. competent jurisdiction, shall be deemed to have been within the provisions of the said Act from the time at which the rules thereof shall have been or may be certified or allowed by the barrister or advocate appointed to certify the rules of friendly societies.

VIII. And be it enacted, that so much of the said Acts of the tenth year of the Repeal of part reign of King George the Fourth, and of the fifth year of the reign of his late Majesty, of 10 Geo. 4. as specifies the objects or purposes for which a society may be established under the provisions of the said Acts or either of them, or as gives to any court of sessions of the peace any power of confirming and allowing the rules of any such friendly society Societies rejected or disapproved by the barrister or advocate appointed to certify the rules of legally established to certify the rules of the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the rules of legally established to certify the ru friendly societies, shall be repealed: Provided always, that the repeal of so much of lished not the said Acts as is herein repealed shall not exclude from the benefit of the said Acts excluded from any society legally established according to the provisions of the said Acts, the rules of which were certified and enrolled before the passing of this Act.

Member may withdraw from society, the rules of which do not prescribe the time, &c. of withdrawal, on giving notice, and paying all society shall be kept distinct pose subscribed for, or extra Rules shall counts shall be

kept for each

particular

benefit subscribed for.

c. 56. & 4 & 5 Will. 4. c. 40.

benefit of said

Provisions of 39 Geo. 3. c. 79. & 57 Geo. 3. c. 19. not to extend to friendly societies.

Barrister, &c. appointed to certify rules to be styled regis-trar of friendly societies.

So much of 10 Geo. 4. c. 56. as requires rules to be filed with clerks of the peace, &c. repealed.

Rules now filed, &c. to be taken off and returned to the registrar.

One transcript of certified rules, and all transcripts of rules returned, shall be kept by registrar. Rules certified by registrar to be of full force as if confirmed

Registrar shall not bereafter certify rules unless society shall adopt tables certified by an actuary.

Conveyance and assignment of property of societies to new trustees may be made by registrar in certain cases.

IX. And be it enacted, that the provisions of an Act passed in th of the reign of King George the Third, intituled "An Act for " suppression of societies established for seditious and treasonable " better preventing treasonable and seditious practices," and also of in the fifty-seventh year of the reign of King George the Third, int " the more effectual preventing seditious meetings and assemblies," to any society duly established under the statutes in force relating to or to any meeting of the members or officers thereof, in which s meeting no business whatever other than that of the relief, maintena of the several persons to whom benefits are assured by the rules treated of, and which is established solely for the purpose of depending on the laws of sickness or mortality.

X. And be it enacted, that after the passing of this Act the bar appointed to certify the rules of friendly societies shall be style friendly societies in England, Ireland, and Scotland respectively, .

XII. And be it enacted, that so much of the said Act of King C as requires that a transcript of the rules of any society established to which the provisions of that Act have been extended and made deposited with or filed by the clerk of the peace of any county, ridi county in England, and a certificate thereof returned to the society, shall be laid before and allowed and confirmed by the justices at peace, shall be repealed; and that all transcripts of such rules wh with the rolls of the sessions of the peace in any county, riding county shall be taken off the file, and returned to the said registrar of in England, Ireland, and Scotland respectively; and that after the each of the said registrars shall keep one of the transcripts of all society certified by him, and all the transcripts of rules which shall him, in such manner as shall be from time to time directed by one principal secretaries of state; and that all rules certified by any such of the same force, and all the provisions of the said Act of his Ma the Fourth shall apply to them, as if they had been confirmed by th filed with the rolls of the sessions of the peace.

XIII. And be it enacted, that after the passing of this Act the r societies in England, Scotland, or Ireland shall not certify the ru society established after the passing of this Act for the purpose of se by justices, &c. depending on the laws of sickness or mortality, unless such society which shall have been certified to be a table which may be safely for such purpose under the hand of the actuary to the commissioner of the national debt, or of some person who shall have been for at actuary to some life insurance company in London, Edinburgh, or name of the actuary by whom any such table shall have been cert forth in the rules, and printed at the foot of all copies of such table of the society.

XIV. And be it enacted, that whenever any person seised or poss tenements, or hereditaments, or other property, or any estate or in trustee of any such society, shall be out of the jurisdiction of or n process of the High Court of Chancery or Court of Exchequer in E or the Court of Session or sheriff court in Scotland, or shall be idiot sound mind, or it shall be unknown whether he or she be living or lawful for the registrar of friendly societies in England, Ireland, an tively, on behalf and in the name of the person seised or possesse convey, surrender, release, assign, or otherwise assure the said hereditaments, or property, or estate or interest, to the person of trustee of such society in his or her stead, either alone or with any or trustees; and every such conveyance, release, surrender, assigna shall be as valid and effectual, to all intents and purposes, as if the p the jurisdiction or not amenable to the process of the said courts, o alive, or being idiot, lunatic, or of unsound mind, had been at the tim thereof present, living, of sane mind, memory, and understanding, a or herself executed the same.

XV. And be it enacted, that every dispute between the trustees or managers of any Settlement of friendly society and any member or officer thereof, or any executor, administrator, or next of kin of any such trustees, managers, member, or officer, or any creditor or and members assignee of any trustees, managers, member, or officer of any such society who may become bankrupt or insolvent, or any person claiming to be such executor, administrator. trator, next of kin, creditor, or assignee, or to be entitled to any money paid to such registrar, unless society, or to any benefit arising therefrom, or with respect to the management of the law officers affairs of such societies, for the settlement of which, according to the laws now in to a superior force, recourse must be had in England or Ireland to one of her Majesty's superior court. courts of law or equity, and in Scotland to the Court of Session or sheriff court, may be referred in writing to the registrar of friendly societies in England, Ireland, and Scotland respectively; and where the value of such subject matter in dispute does not exceed twenty pounds, every such dispute shall be so referred, unless in England or Ireland her Majesty's attorney or solicitor general, or in Scotland the lord advocate, shall certify in writing under his hand that such dispute ought to be decided by the judgment of a superior court of law or equity; and the said registrar shall have power to proceed ex parte, on notice in writing to the said trustees or managers left or sent by the said registrar to the office of the said institution, or to the last known place of residence of such trustees, managers, members, or officers; and whatever award, order, or determination shall be made by the said registrar shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal; and all Payments, assignments, sales, and transfers made in pursuance of any such order shall be good in law; and no submission to or award or determination of the said registrar shall be subject or liable to or charged with any stamp duty whatever.

XVI. AND be it enacted, that on any such reference the said registrar shall be On such referauthorized to inspect and to require the production before him of any book or books belonging to the said institution relating to the matter in dispute, and to administer an oath to any witness appearing before him; and every person who, upon such oath, shall wilfully and corruptly give any false evidence before such registrar shall be deemed to be guilty of perjury.

ence registrar may inspect books and administer oaths. False evidence, perjury. When trustees shall be absent, &c. registrar may order stock to be

transferred and

dividends paid.

XVII. And be it enacted, that whenever it shall happen that every person in whose name any part of the several stocks, annuities, and funds transferable or which hereafter shall be made transferable at the Bank of England, or in the books of the governor and company of the Bank of England, is or shall be standing as a trustee of any such society shall be out of England, Ireland, or Scotland respectively, or shall be a bankrupt, insolvent, or lunatic, or it shall be unknown whether such trustee is living or dead, it shall be lawful for the registrar of friendly societies in England, Ireland, or Scotland respectively to direct that the accountant general, secretary, or deputy secretary, or other proper officer for the time being of the governor and company of the Bank of England, do transfer in the books of the said company such stock, annuities, or funds standing as aforesaid to and into the name of such person as such society may appoint, and also pay over to such person as aforesaid the dividends of such stock, annuities, or funds; and whenever it shall happen that one or more only, and not all or both, of such trustees as aforesaid shall be so absent, or a bankrupt, insolvent, or lunatic, or it be unknown whether any one or more of such trustees be living or dead, it shall be lawful for the said registrar to direct that the other and others of such trustees who shall be forthcoming and ready and qualified to act do transfer such stock, annuities, or funds to or into the name of such person as aforesaid, and also that such forthcoming trustee do also receive and pay over the dividends of such stock, annuities, or funds as such society shall direct; and all such transfer and payments so made shall be valid and effectual to all intents and purposes whatsoever.

XVIII. And be it enacted, that one of her Majesty's principal secretaries of state shall be empowered from time to time to fix reasonable fees to be paid on any such reference, and for such other proceedings as aforesaid, and all such fees shall be paid in the first instance by the trustees or managers of the society, and the registrar shall determine in and by his award by which of the parties and in what proportion the expence of such fees shall be finally borne, and the trustees or managers of such society, having paid such fees, shall be entitled to recover them from the party or shall pay them. parties against whom they shall be so finally awarded.

Secretary of state to fix amount of fees payable on determine who

XIX. And for enforcing payment of such fees, and of any sum of money so awarded to be paid, be it enacted, that any one justice of the peace residing within the Justices emcounty within which such society shall be held, or within which the party resides powered to

enforce payment of fees and sums awarded under awards.

If persons do not pay money pursuant to order, the same together with costs, may be levied by distress.

Proviso as to Scotland.

Rules certified by registrar, and awards executed under his hand, shall be received in evidence.

Forms set forth in the schedule to this Act may be used.

Act to be construed with 10 Geo. 4. c. 56. & 4 & 5 Will. 4. c. 40.

against whom such award is made, upon complaint made u desiring to have the benefit of the award, or, in case of the any such society, by an officer of such society appointed for the the person against whom such award shall be made to appear a named in such summons; and upon his or her appearance, or due proof upon oath of the service of such summons, any two the county aforesaid, upon due proof of the execution of payment of the fees and money thereby awarded to be paid to be entitled thereunto, with such costs as shall be awarded by exceeding the sum of ten shillings; and in case the person ag shall be made shall not pay the sum of money so ordered to the specified in the said order, such justices shall, by warrant unde cause the same to be levied by distress and sale of the goods such order shall have been made, or by other legal proceedi costs as shall be awarded by the said justices, not exceeding t and also the costs and charges attending such distress and a ceeding, returning the overplus (if any) to the owner: Pr Scotland it shall be competent to enforce payment of such money so awarded to be paid, by proceeding before the sheriffs is by the law of Scotland competent for the recovery of any del

XX. And be it enacted, that every transcript of the rules of porting to be certified by the registrar of friendly societies Scotland, and every award or other proceeding as aforesaid pu under the hand of the said registrar, shall be receivable in justices and others as evidence that such rules have been duly made, or such proceeding had, until the contrary shall be made

XXI. And be it enacted, that the forms of certificate and avin the schedule annexed to this Act may be used, with such necessary to adapt them to the particular circumstances of objection shall be made or advantage taken for want of form by any persons whomsoever.

XXII. AND be it enacted, that this Act shall be construed said Acts of the tenth year of the reign of King George the year of the reign of his late Majesty.

SCHEDULE to which this Act refers.

FORM of Registrar's Certificate.

I HEREBY certify, that these rules (or alterations of rules) and to the provisions of the statutes in force relating to friend

The registra England

Form of Registrar's Award.

In pursuance of the provisions contained in the Act to ame friendly societies, I, A.B., the registrar of friendly societies is Scotland), do hereby award, order, and determine that C.D of the party or officers of the society) do on the , pay to E.F. the sum of ; and I

, pay to E.F. the sum of ; and and determine that the fees of this my award, amounting to and paid by the said

The registran

CHAPTER XXXIII.

An Acr to amend the Laws relating to Corresponding Societies and the licensing of Lecture Rooms. [-] [27th July 1846.]

WHEREAS by an Act passed in the thirty-ninth year of the reign of his Majesty King George the Third, intituled "An Act for the more effectual 39 Geo. 8. c. 79 " suppression of societies established for seditious and treasonable purposes, and " for better preventing treasonable and seditious practices," and by an Act passed in the fifty-seventh year of the same reign, intituled "An Act for the 57 Geo. 3. c. 19. " more effectually preventing seditious meetings and assemblies," certain offences are created, and certain penalties are attached to the commission thereof: And whereas the provisions of the said Acts have given occasion to vexatious proceedings by common informers: Be it enacted by the Queen's Proceedings most excellent Majesty, by and with the advice and consent of the lords Acts shall not spiritual and temporal, and commons, in this present Parliament assembled, be commenced and by the authority of the same, that from and after the passing of this name of the Act it shall not be lawful for any person or persons to commence, prosecute, law officers of enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of her Majesty's courts, or before any justice or justices of the peace, against any person or persons, for the recovery of any fine or forfeiture made or incurred or which may hereafter be incurred under the provisions of the recited Acts or either of them, unless the same be commenced, prosecuted, entered, or filed in the name of her Majesty's attorney general or solicitor general in England, or her Majesty's advocate in Scotland; and every action, bill, plaint, or information which shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than is in that behalf before mentioned, and every proceeding thereupon had, shall be null and void to all intents and purposes.

unless in the

CHAPTER XXXVII.

An ACT to amend the Laws relating to the Office of Coroner and the $\mathbf{E}_{\mathbf{X}}\mathbf{pences}$ of Inquests in Ireland. [27th July 1846.]

WHEREAS it is expedient to amend the laws now in force in Ireland relating to the election, qualification, and payment of coroners, and to the proceedings at coroners inquests, and to the payment of expences at such inquests : And whereas it is expedient that the several Acts and parts of Acts herein-after mentioned, relating to the several matters and things aforesaid, should be repealed: Be it therefore enacted by the Queen's most excellent Majesty, From and after by and with the advice and consent of the lords spiritual and temporal, and commons, in this Present Parliament assembled, and by the authority of the same, that from and of this Act after the commencement of this Act the several Acts and parts of Acts herein-after mentioned, specified, and set forth shall cease and determine, and shall, except only so far as is herein-after excepted and provided for, be repealed; (that is to say,) an Act pealed, vis.:

Is Sections 15 to 33 of the Act 39 Geo. 3. c. 79., and so much of sections 34 to 39 as relates to those sections, are rep., with other enactments, 32 & 33 Vict. c. 24. s. 1. and schedule; and this Act is rep., 32 & 33 Vict. c. 24. s. 1. and schedule, so far as it relates to any proceedings under the enactments repealed by that schedule.]

1 Geo. 4. c. 28.

3 Geo. 4. c. 115. 10 Geo. 4. c. 37.

6 & 7 Will. 4. c. 116.

7 Will. 4. & 1 Viet. c. 2.

7 & 8 Viet. c. 106.

Power to lord lieutenant of Ireland to direct a special sessions to be holden in each county in Ireland for dividing the same into coroners districts.

Justices at sessions to divide their counties into districts, for carrying this Act into effect;

to affix to each district the name of some parish, or place, and fix a place at which a court shall be held for election of coroner; and to fix polling places, and to cause lists to be prepared of all baronies, &c. in each district.

passed in the first year of the reign of his late Majest intituled "An Act to repeal an Act made in the fifteenth " Majesty, for regulating the fees of coroners in Ireland " and to make other provisions for that purpose"; an Ac his said late Majesty, intituled "An Act to regulate " holding the office of coroner in Ireland"; . an Act passed in the tenth year of his said late Majesty, "the laws relating to coroners in Ireland," as relates witnesses and to the duration of elections of coroners; so the sixth and seventh years of the reign of his late Majest intituled "An Act to consolidate and amend the laws rela "public money by grand juries in Ireland," as relates to the medical witnesses; so much of an Act passed in the several section of the several section of the several section of the several section of the several section of the several section of the several section of the several section of the several section of the several section of the several section of the several section of the several section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the Majesty, intituled "An Act to amend an Act passed in the "Majesty, for consolidating and amending the laws relative public money by grand juries in Ireland," as relates to the nesses at inquests held by and before justices of the peace; in the seventh and eighth year of her present Majesty, intitu " and amend the laws for the regulation of grand jury pre-" Dublin," as relates to the payment of coroners, and the medical witnesses; and the said several herein-before recit are hereby repealed accordingly, save and except so far as Acts respectively, or any of them, repeal the whole or an Acts, [Rep., Stat. Law Rev. Act, 1875.]

II. And be it enacted, that from and after the pass be lawful for the lord lieutenant or other chief go Ireland for the time being, if he or they shall so thinl that a special sessions shall be holden in each count Ireland, for the dividing of such county, riding, or districts, for the purposes of this Act, and to fix the ti and places for such sessions, and to order and direct th such county to give notice thereof to each justice of the and the said clerk of the peace shall give notice of the holding such sessions to each justice of the peace if fifteen days after the receipt of the said order.

III. AND be it enacted, that it shall be lawful for th of any such county in Ireland assembled at such session required, to divide such county, riding, or division districts as to the majority of such justices shall seem b the purposes of this Act into effect, according to the num by law allowed for such county respectively, and with extent of the population, to the prevailing employme parts of such county, riding, or division, and to the size to affix to each of such districts the name of some prince or place within the same; and to fix and determine s within such district at which the court for the electio district shall be holden; and also to fix and determine place or places in each district at which the poll at s taken; and they shall cause a list to be prepared by th containing the names of the several baronies and parishes and parishes, as the case may be, in each of the several the county, riding, or division shall be divided; and peace shall specify in such list the place at which the said appointed the court for the election of a coroner for such

and the polling place or polling places which the said justices shall have fixed and determined; and the chairman of the said justices so assembled as aforesaid shall sign such list, and such list shall be enrolled by the clerk of the peace among the records of the county; and the clerk of the peace for such Clerks of the county shall, within fifteen days after such list shall have been signed as lists to coroaforesaid, send or cause to be sent a true copy thereof, signed and certified by ners. him, to each coroner within the county.

IV. And be it enacted, that it shall be lawful for the lord lieutenant or Lord lieutenant other chief governor or governors of Ireland for the time being, if he or they to time order shall so think fit, from time to time, upon the receipt of any memorial signed of counties by five justices of the peace of any county, praying that a new division into into coroners coroners districts of such county, riding, or division shall be made, to order and direct that a special sessions for the division of such county into districts be holden, and to fix the time and place for such sessions; and the clerk of the peace of such county shall give notice thereof to the justices of the peace of such county in manner as aforesaid, and the justices of the peace assembled at such sessions shall thereupon proceed to divide their respective county, riding, or division, or to amend and alter any division of such county, riding, or division as shall have been heretofore made, into such convenient districts as shall be best calculated to carry the purposes of this Act into effect, and shall cause a list, or an amended list, as the case may be, to be made in like manner as was directed to be done when such county was first divided into coroners districts under the authority of this Act; and the clerk of the peace shall enrol the same among the records of the county, and shall send or cause to be sent a true copy of such list, or of such amended list, signed and certified as aforesaid, to every coroner within the county.

V. AND be it enacted, that the justices of the peace of each county, riding, Lists to be or division assembled as aforesaid shall cause a copy of the list containing the counties therenames of the several baronies or parishes, or parts of baronies or parishes, as upon to be the case may be, to be comprised within each of the districts into which they divided. shall have divided their respective county, riding, or division to be inserted three times in the county or other local newspapers, and also once in the Dublin Gazette; and from and after the publication thereof as aforesaid in the Gazette each such county, riding, or division shall be and be deemed to be divided into districts for all the purposes of this Act.

deemed to be

VI. AND be it enacted, that the grand jury assembled at the assizes or Appointment presenting term next after the said special sessions shall appoint one of the of present persons who shall then hold the office of coroner of their respective county, districts. riding, or division to be the coroner of and for one of each of the districts to be formed under the authority of this Act, and shall, so far as may be practicable and convenient, appoint such coroner to that district within which he shall have heretofore acted; and in case there shall be no coroner for any of said districts the foreman of the grand jury shall certify such vacancy in the office of Coroner to the lord chancellor of Ireland, who shall, if he so think fit, order a writ de coronatore eligendo to be issued : Provided always, that upon Future appointthe death or removal of any coroner his successor shall be elected to the office ments of of coroner according to the provisions of this Act,

VII. And be it enacted, that from and after the division of any county, Sheriff to hold riding, or division into coroners districts, upon the issuing of such writ, the for the election

If election not determined on the view, sheriff to proceed to take a poll.

Duration of poll.

Qualification of electors.

Sheriff empowered to erect polling booths for the purposes of the election.

No voter to poll out of the district where he resides, &c.

Sheriff to appoint poll clerks, who shall be sworn.

Sheriff to appoint inspectors of poll clerks. Electors, if required by

candidates,

sheriff of the county wherein such district shall be sit for such election, at the place fixed and determined for said, on some day to be by him appointed, which day seven days nor more than fourteen days after the de coronatore eligendo; and in case the said election determined upon the view, with the consent of the election determined upon the view, with the consent of the election of the application of the determination there or in his absence his under sheriff, shall adjourn the said clock in the forenoon of the next day but one, unless shall be Saturday or Sunday, and then to the Monday sheriff, or in his absence the under sheriff, with such of by him, shall then and there proceed to take the said shall continue for two days only, for eight hours in shall be opened before eight of the clock in the foreithan four of the clock in the afternoon, of either of the

VIII. AND be it enacted, that at the election of a district the person so to be elected shall be chosen by persons residing within the district who at the time of qualified to vote at the election of a member or member for the county within which such district shall be situated.

IX. And be it enacted, that at every contested el any such district the sheriff or his under sheriff she candidate, or by any person duly authorized acting time before the election, and if not so required may, if expedient, cause a booth or booths to be erected for court or principal place of election, and also at each within the district appointed as aforesaid, and shall can most conspicuous part of each of the said booths the baronies, parishes, or places for which such booth is reson person shall be permitted to vote at any such elect so allotted for the barony, parish, or place within which the property with respect to which he esituate, and if no booth shall be allotted for the same booths.

X. And be it enacted, that for the more due and or said poll the sheriff or his under sheriff as aforest number of poll clerks as to him shall seem meet for the clerks shall take the said poll in the presence of the sa sheriff, or such person as he shall depute, and before the poll every such clerk shall be sworn truly and indiffered and to set down the names of each elector, and the platfor whom he shall poll, and to poll no elector who is not be sworn by any candidate, or by any person acting said, (and which oaths of the said clerks the said sheriff hereby empowered to administer;) and the sheriff, or is sheriff, shall appoint for each candidate such one per nated to him by the candidate, or by the person act aforesaid, to be inspector of any such clerk; and ever permitted to poll at such election, shall, if required by

the person acting on his behalf as aforesaid, first take the oath in the schedule to take oath in (A.) hereto annexed, which oath the sheriff or his under sheriff, or such sworn clerk as aforesaid, shall have authority to administer.

XI. AND be it enacted, that the said poll clerks shall at the close of the Custody of the poll enclose and seal their several poll books, and deliver the same, so enclosed declaration of and sealed, to the sheriff or his under sheriff, or to such person as shall be the poll. deputed by him for that purpose, who shall give a receipt for the same; and every such person so deputed as aforesaid, when he shall have received the said poll books, shall forthwith deliver the same, so enclosed and sealed, to the sheriff or his under sheriff, who shall, upon the re-assembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, in open court break the seals thereon, and cast up the number of votes as they appear on the said several books, and openly declare the state of the poll, and make proclamation of the person chosen, not earlier than ten of the clock in the forenoon nor later than two of the clock in the afternoon of the said day.

XII. And be it enacted, that before any candidate shall be put in nomi- Expences of nation for the office of coroner he shall, if so required, lodge in the hands of be paid by the said sheriff or his under sheriff such sum of money as shall be necessary candidates to defray all the reasonable costs, charges, and expences which the said sheriff in equal proportion or his under sheriff, or other person so deputed by him as aforesaid, shall expend or be put to in and about the providing of poll books, booths, and clerks, (the said clerks not to be paid more than one guinea each per diem,) for the purpose of taking the poll at any such election; and the said costs, charges, and expences shall be borne and paid by the several candidates at such election in equal proportions.

XIII. And be it enacted, that every candidate for the office of coroner Every shall, before he shall be put in nomination, deliver or cause to be delivered to the sheriff or his under sheriff a statement in writing, containing a full and correct account of the nature and quality, name, situation, or other description, of the property then in his possession and enjoyment from, out of, or by means to qualify reason of which he is qualified, as herein-after mentioned, to be elected and chosen and to hold the said office of coroner; and the sheriff or his under sheriff shall permit such statement to be inspected and examined by any candidate or elector at all reasonable times before and during such election; and if any such candidate shall fail to deliver or cause to be delivered such If candidate statement as aforesaid to the said sheriff or his under sheriff, the said sheriff or his ander sheriff shall not allow such candidate to be put in nomination; sheriff not to and if the said sheriff or his under sheriff shall be called upon by any candibe nominated. date or any elector so to do, he shall require every such person who shall be a can didate for the said office at such election to take the oath in the schedule Candidate, if (B.) hereto annexed, (which oath the said sheriff or his under sheriff is hereby take the oath in empowered to administer,) as to the nature, name, and sufficiency of the property in right of which he is qualified to be chosen as coroner for such county, riding, or division, or any district thereof; and if such candidate shall If he refuse, he refuse or neglect to make such oath, when required by the sheriff or his under shall not be sheriff so to do, the said sheriff or his under sheriff, or person deputed by him shall votes be as aforesaid, as the case may be, shall not permit or suffer such candidate to be him. put in nomination, nor shall he receive or suffer to be received any votes which

shall deliver a statement of the property whereby he to the sheriff, who shall allow it to be inspected.

fail to deliver such statement,

nominated, nor

Statement of person elected to be delivered to clerk of the peace.

Oath to be administered without fee. Mode of elections in cities, &c. not affected.

Qualification of coroner.

If it appear to any two justices of the peace for the county, city, town, &c. for which any coroner is elected, that he has lost his qualification, they shall give notice to him of their intention to complain to the grand jury.

Coroner to be summoned before grand jury, to be examined touching the matter of such complaint. shall or may be tendered to him for such candidate until so have taken such oath; and the said sheriff or his under so ten days after the termination of such election, deliver or can to the clerk of the peace of the county wherein such election held the statement as aforesaid of the qualification of the peace she among the records of the county.

XIV. AND be it enacted, that no fee or reward shall be by any person for the administering of the said oath.

XV. And be it enacted, that nothing herein contained sl or alter the mode whereby coroners for counties of cities of or boroughs in Ireland are at present chosen or elected.

XVI. AND be it enacted, that from and after the pas person shall be elected or chosen to the office of coroner for or division, or district thereof, or for any county of a city or borough, or district thereof, who shall not at the time or chosen be seised to and for his own use and benefit inheritance of the clear annual value of fifty pounds sterli all charges and incumbrances that may affect the same, or hold for his own life, or for the life or lives of some othe either at law or in equity, of the clear yearly value of c sterling, over and above all charges and incumbrances wi same, of or in lands, tenements, or hereditaments situate county of a city, county of a town, or borough, for which o which he shall be elected or chosen as aforesaid, or with thereto adjoining; and in case any person shall be electe the office of coroner, from and after the passing of this Ac the time of his being so elected or chosen be seised of sucl tenements, or hereditaments as is herein-before required, su null and void.

XVII. AND be it enacted, that if it shall appear to any t of the peace for any county, riding, or division, or for ar county of a town, or borough, for which or for any dis coroner shall be elected or chosen, under the provisions of coroner has lost or encumbered his property, so as not to b or enjoyment of such an estate as is hereby required to elected and chosen as aforesaid, the said justices shall give cause to be left at his usual place of residence, fifteen cl next ensuing assizes or presenting term for such county city, town, or borough, a notice in writing, to be signed intention to complain to the grand jury which shall next coroner has lost or encumbered his estate, and is not then of property as aforesaid to hold or continue to hold the sa and if the said justices of the peace shall lodge such a co with the grand jury which shall next assemble for suc division, county of a city, county of a town, or borough, (a it shall and may be lawful for the foreman of such grand mons or summonses requiring such coroner, and such w deem necessary, to appear before the said grand jury, and

coroner and witnesses upon oath (which oath the foreman of such grand jury is hereby empowered to administer) touching the matter of such complaint; and if it shall appear to the said grand jury that the said coroner has lost or If coroner has lost big encumbered his property, so as not to be then in possession and enjoyment of has lost his qualification some estate of inheritance or freehold as aforesaid within the county, city, or refuses to town, or borough, for which or for some district of which he shall have been answer. elected or chosen coroner, or within the county next thereto adjoining, of the grand jury to clear yearly value of fifty pounds sterling, or one hundred pounds sterling, as the lord chanthe case may be, or if such coroner, upon proof that such summons as aforesaid had been duly served upon him, or left at his usual place of residence, shall neglect or fail to attend the said grand jury, or if such coroner shall refuse to be sworn, or to answer any question which may be put to him touching his said qualification, then and in every such case it shall be lawful for the said grand jury to prepare or cause to be prepared a memorial to the lord chancellor of Ireland, detailing such facts concerning the want of qualification by such coroner as shall appear to such grand jury to be true and correct, and praying that such coroner may be removed from the office of coroner for such county, riding, or division, county of a city, county of a town, or borough, as the case may be; and the foreman of such grand jury shall Foreman to sign the same, and shall direct that such memorial shall forthwith be delivered sign memorial. to the said lord chancellor.

qualification,

XVIII. AND be it enacted, that it shall and may be lawful for the lord Lord chanchancellor of Ireland, upon the receipt of any memorial as aforesaid from the receipt of grand jury of any county, riding, or division, county of a city, county of a memorial, if town, or borough, if he shall be satisfied that such coroner was not then seised satisfied that coroner is disor possessed of such an estate as would have qualified him to be elected qualified, or if coroner has coroner under the provisions of this Act, or if on any complaint made in acted as subwriting he shall be satisfied that such coroner has acted as sub-sheriff, contrary to the provisions of this Act, to declare the office of such coroner to be office to be vacated, and to direct a writ to be issued for the election of a coroner for such issue a writ for county, riding, or division, county of a city, county of a town, or borough, or a new election. district thereof, (as the case may be,) to or for which such coroner may have been elected or chosen.

sheriff, may declare the

XIX. And be it enacted, that from and after the passing of this Act no No coroner person who shall hold the office of coroner shall be appointed or shall act, by himself or by his partner, directly or indirectly, as sub-sheriff in any county, partner, as city, town, or borough.

shall act, by himself or sub-sheriff.

XX. And be it enacted, that whenever a vacancy shall occur in the office Lord chanof coroner of any county, riding, or division, county of a city, county of a upon receiving town, or district thereof, and any two or more justices of the peace of such county, city, town, or borough, shall deliver or cause to be delivered to the clerk of the peace acting in and for such county, city, town, or borough a certificate under their hands and seals of such vacancy having occurred, the said clerk of the peace shall and he is hereby required, within twenty-one days after the receipt of such certificate, to transmit the same to the lord chancellor of Ireland, who shall thereupon direct a writ to be issued for the election of a coroner for such county, riding, or division, county of a city, county of a town, or borough, or district thereof, (as the case may be,) where such vacancy shall have happened.

certificate of two justices of vacancy having occurred, issue writ for election of coroner.

Coroner to reside within his district, or forfeit his emoluments.

In case of absence, office may be declared vacant.

Notice of the finding of any dead body, or of sudden or suspicious death, to be given to the coroner, who, if he thinks it necessary to hold an inquest, shall issue summonses for jurors and witnesses.

Qualification of jurors upon inquests.

Coroner to make abstract of the inquisition and finding of the jury; and annex an

and annex as account of money paid; XXI. AND be it enacted, that when any county shall into districts under the authority of this Act, every person serve the office of coroner of any such district in Ireland the district to or for which he shall be elected or chosen of any such coroner shall fail or neglect to reside within his defeit and lose all right and claim to the fees and emoly provided for the payment of coroners, so long as he shall so reside within the same; and if it shall happen that any have been absent from his district, except in the case of ill exceeding in the whole twenty-eight days in any one yes for the lord chancellor of Ireland, upon the complaint in magistrates of such district, to declare, if he shall so think it coroner to be vacant, and to order a writ for the election of district to be issued.

XXII. AND be it enacted, that when any dead body sha case of sudden death, or of death attended with suspicious occur in any district, the sub-inspector of the constabulary the constable or sub-constables acting in and for the pla body shall be found or such death happen, shall give or immediate notice thereof to the coroner of such district, information as he or they shall have been able to obtain to of such dead body or such death; and the said coroner receipt of such or other sufficient notice and information necessary to hold an inquest upon such dead body, issue sub-inspector of such district, or in his absence to the head acting for him, to summon a sufficient number of persons sworn as jurors upon such inquest at the time and place precept; and the said coroner shall issue a summons for e he shall deem necessary to attend such inquest at the time specified, for the purpose of giving evidence relative to su he shall deliver or cause to be delivered all such summons or some one of the sub-constables acting in and for the inquest is to be held, who shall forthwith proceed to serve

XXIII. And be it enacted, that such sub-inspector summon or cause to be summoned in writing, as jurors such persons as shall be resident within the district, and rathe poor in a sum of not less than four pounds: Provided attendance of a sufficient number of jurors, qualified as afoveniently be had, it shall be lawful for the sub-inspect aforesaid to summon or cause to be summoned such and so proper persons, being householders, and residing within such inquest is to be holden, as shall be necessary, to attend jurors upon such inquest:

XXIV. And be it enacted, that every coroner by or inquest post mortem shall be taken shall make an abstract and finding of the jury, and shall state in such abstract jurors in any such inquest, and the names of all the witnes been examined at the same, and shall annex thereto an accommoney paid or advanced by him, as here n-after mentioned

of any such inquest, or to or for or on account of any witness or witnesses who shall have attended the same, and also an account of the number of miles and number of which he shall have been compelled to travel from his usual place of residence travelled; . to take such inquest, and of the number of days during which such inquest, or any adjournment thereof (if any) shall have continued, and shall certify such of inquest; abstract and account to be true and correct in all particulars, and shall sign and shall the same, and shall lodge such abstract and account with the secretary of the grand jury of the county, riding, or division, county of a city, county of a town, or borough, as the case may be, for which or for any district of which he is the coroner, ten clear days at least before the assembling of the grand secretary of the jury for such county, riding, or division, city, town, or borough; and the said secretary shall permit such abstracts and accounts to be inspected and Abstract and examined in his office by any rate-payer of such county, riding, or division, be inspected by city, town, or borough, who shall apply to him for the purpose, at all hours between ten of the clock of the forenoon and four of the clock of the afternoon during the said ten days; and the said secretary shall lay the same before the laid before grand jury acting in and for such county, riding, or division, city, town, or grand jury; borough, which shall next assemble; and the said grand jury shall examine who shall such abstracts and accounts, and shall and may, if they shall deem it necessary, same, and may examine the said coroner upon oath (which oath the foreman of such grand examine the jury is hereby empowered to administer) as to the truth and correctness of all or any of the statements or items contained in such abstracts or accounts, or as to the belief which such coroner may at the time of holding any such inquest have entertained of the necessity for holding the same; and the said abstracts and accounts shall, when approved of by the said grand jury, be signed by the foreman, and preserved among the records of such county, riding, or division, city, town, or borough.

XXV. And be it enacted, that it shall and may be lawful to and for the Grand jury, grand jury of any county, riding, or division, when they shall have examined and approved of such abstracts and accounts as aforesaid, to present for the payment of any coroner within such county, riding, or division the sum of one pound ten shillings sterling for each and every inquest held by him respectively since the preceding assizes, or since his last application for a presentment, but such sums not to exceed in the whole the sum of fifty pounds sterling at any one assizes; and such grand jury shall present in addition thereto, and over and above such payment, such further and other sum, at the rate of sixpence per mile for every mile which such coroner shall have been obliged to travel from his usual place of residence for the purpose of taking such inquest: Provided always, that whenever any coroner shall have held more than one inquest on the same day, then in respect of every such inquest taken after the first the said sum of sixpence per mile shall be computed and paid to such coroner for every additional mile only which he shall have been compelled to travel in consequence of holding more than one inquest on the same day.

XXVI. And be it enacted, that it shall and may be lawful to and for the Presentment for grand jury of any county, riding, or division to present such sum as to them travelling when shall seem fit for the payment of the allowances for travelling as aforesaid to held. any coroner who shall show to the satisfaction of such grand jury that he had been compelled in the discharge of his office to travel from his usual place of

and duration certify such abstract and account to be true, and lodge them with the grand jury.

ratepayers;

on approving of abstract &c., shall present 11. 10s. for coroner for each inquest, but not exceeding 50l. at any one assizes : and 6d. per

mile for travelling.

Presentment for travelling than one inquest is held on same day.

Grand jury of city, &c., on approving abstract, &c., shall present for coroner 11. 10s. for each inquest;

but not exceeding 65l. at any assizes or presenting term.

Coroner may pay witnesses, &c. as per schedule (C.), upon obtaining receipts.

Coroner to deliver receipts, &c. to secretary of grand jury.

Grand juries may present for board of superintendence of gaols such sums as they shall deem necessary for expences of inquests until the next assizes or presenting term.

Board of superintendence may pay to coroner such sums as he may have advanced to witnesses as in schedule (C.), and sums ordered by justices to be paid to witnesses, &c. on inquests. If grand jury make no presentment, or an insufficient one, they shall at next assizes

residence for the purpose of taking an inquisition, but wl of his discretion, he deemed to be unnecessary, and decline

XXVII. AND be it enacted, that it shall and may be law grand jury acting in and for any county of a city, county of in Ireland, when they shall have examined and approved and accounts as aforesaid, to present for the payment of a such city, town, or borough the sum of one pound ten she each and every inquest held by him respectively since the senting term, or since his last application for a presentment that it shall not be lawful for any grand jury as aforesaid payment of any coroner any larger amount or sum than sterling at any assizes or presenting term.

XXVIII. And be it enacted, that it shall and may coroner who shall hold any inquest to pay to any medical who, having been summoned by him, shall attend and be inquest, or to any other person who shall do or perform a relating to such inquest in pursuance of the order of such owner or occupier of any private house (not being related to the deceased) who shall afford the accommodation necessary such dead body or for the holding of such inquest, any sum not exceeding the sum contained in the schedule (C.) here usuch coroner shall seem just and reasonable, upon obtaining or other person a receipt duly signed for such payment; an shall deliver all such receipts, together with the abstract such inquest, to the secretary of the grand jury acting county, riding, or division, county of a city, county of a as the case may be, for which or for any district of which he

XXIX. AND be it enacted, that it shall be lawful for the county, county of a city, or county of a town, other than the if they shall so think fit, at any assizes or presenting term, board of superintendence of the gaols of such county, city, or sums of money as they shall deem necessary for the paym incident to the holding of coroners inquests within the cou until the next ensuing assizes or presenting term; and the county, city, or town, out of the public monies which shall hands or shall next come into his hands, shall pay to such tendence the sum so presented; and it shall be lawful for t superintendence, if they shall so think fit, to pay to ever county, city, or town such sums as he shall have advanced : witnesses or other expences, not exceeding the sums mention (C.) hereto annexed, incident to the holding of any such inc all orders upon the treasurer of such county, city, or town w of the peace may have issued to any witnesses or other person any inquest held by them as herein-after mentioned.

XXX. Provided always, and be it enacted, that in case to any county, county of a city, or county of a town shall have such presentment as last aforesaid, or in case the presentment grand jury shall have been insufficient to discharge all the county to the holding of inquests in such county, city, or town, it so

the grand jury of such county, city, or town, when they shall next assemble, present for such sums as shall and they are hereby required, to present for the coroner of such county, riding, be necessary to or division, city, town, or borough, or any district thereof, such sum or sums pay witnesses as shall be necessary to repay such coroner the monies paid and advanced by of inquests. him in and about the holding of any inquest, and shall also present, to and for the treasurer of such county, city, town, or borough, such sum or sums as shall be necessary to pay and discharge all orders for the payment of witnesses and other persons upon such treasurer as any two justices of the peace, acting for and in the absence of a coroner, as herein-after mentioned, shall have given to any witness or other person since the last assizes or presenting term; and the said treasurer, out of the public monies of such county, city, or town which shall then be in his hands or shall next come to his hands, shall pay the said sum or sums so presented to the said coroner or to the said witnesses or other persons as aforesaid; and it shall be lawful for the grand jury acting in and for any county, riding, or division, county of a city, county of a town, or borough, to direct and order that all such sums of money necessary for the payment of any such coroner, or of the other expences incident to the holding levied off the of any inquest, or such part and proportion thereof as to them shall seem or any parmeet and right, shall be raised and levied off the whole of such county, ticular district, riding, or division, city, town, or borough, or off such district, barony, or parish thereof, as the case may be, as they shall appoint.

XXXI. And be it enacted, that it shall and may be lawful for any coroner Coroner may who shall consider an analysis of any matter or thing of or concerning any dead sis to be made body necessary to order and direct that such analysis be made by such legally in reference to qualified medical practitioner as he and the majority of the jury sworn upon and certify the any inquest shall appoint; and he shall annex to the abstract and accounts of same. such inquest a certificate to be signed by him of such his opinion, and of the facts relating to such analysis, which certificate, together with the said abstracts and accounts, shall be laid before the grand jury acting in and for the county, riding, or division, county of a city, county of a town, or borough, as the case may be, which shall next assemble; and it shall be lawful for the Grand jury may said grand jury to present to and for their treasurer any sum of money, not exceeding the sum of five guineas, for the loss of time, labour, and expence incurred by such medical practitioner in consequence of making such analysis, as to them shall seem fit; and the sum so presented by the grand jury shall be paid to such medical practitioner by the treasurer of such county, riding, or division, city, town, or borough, in like manner, and shall and may be raised and levied in like manner, as the sums already presented by any such grand jury.

XXXII. And be it enacted, that when any inquest shall be holden on the body of any person who has died in any public hospital or infirmary, or in any building or place belonging thereto, or used for the reception of the patients thereof, or who has died in any county or other lunatic asylum, or in any infirmary or other public medical institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case stitution shall nothing herein contained shall be construed to entitle the medical officer whose to remuser duty it may have been to attend the deceased person as a medical officer of tion. such institution as aforesaid to the fees or remuneration herein provided.

XXXIII. And be it enacted, that from and after the passing of this Act, in all cases where any coroner shall hold an inquest upon any dead body, and medical

Grand jury may direct the expences of coroner or inquests to be whole county, barony, or

present a sum not exceeding five guineas for making such analysis.

When any ifiquest shall be held on the body of a person who died in any hospital, officer of in-

Coroner may practitioner

to attend inquest, and may direct post mortem examination.

Medical practitioner alleged to have caused death by negligence or improper treatment shall not perform or assist at examination.

Jury may require further medical evidence.

Coroner refusing to call for further evidence to be guilty of a misdemeanor.

Coroner may fine jurors or witnesses for non-attendance at inquest, and transmit certificate to the clerk of the peace.

Fines to be levied, &c. as if imposed at quarter sessions.

Power of coroner to compel appearance, &c., or to commit defaulter, not to be affected. shall deem the attendance of some medical witness to be inquest, he shall summon as such witness any legally qualitationer, being at the time in actual practice at or near the death happened; and it shall be lawful for the coroner, at the issuing of such summons and the termination of such in performance of a post mortem examination by such medical that if any person shall state upon oath before the coroner belief the death of the deceased individual was caused part the improper or negligent treatment of any medical preparation, such medical practitioner or other person shall not form or assist at the post mortem examination of the decease

XXXIV. And be it enacted, that whenever it shall apper of the jurors upon any inquest that the cause of death he factorily explained by the evidence of such medical practive witness or witnesses who shall have been examined at such be lawful for the said jurors, by a requisition in writing coroner to issue his summons for the attendance of some other medical practitioner or practitioners; and if the coroner, such requisition, shall refuse or neglect to issue his summons shall be deemed guilty of a misdemeanor.

XXXV. AND be it enacted, that when any person shall summoned to attend as a juror or as a witness at any person shall fail or neglect to attend at the time and place summons, it shall be lawful for the coroner to cause such pe called in his court three times to appear and serve as a juro give evidence at such inquest, and upon the nonappearance of proof that such summons had been served upon him, or left of abode, to impose such fine upon the person so making de ing the sum of forty shillings, as to such coroner shall se coroner shall make out and sign a certificate, containing surname, the residence, and trade or calling of every person together with the amount of the fine which shall have been cause of such fine, and shall transmit such certificate to the acting in and for the county, riding, or division, city, tow which such person shall reside, on or before the first da sessions of the peace then next ensuing, and shall cause a co cate to be served upon the person so fined, by having it left of residence, or by sending the same through the post of aforesaid, three days at the least before the first day of sessions; and the said clerk of the peace shall copy the fine of on the roll on which all fines and forfeitures imposed at suc of the peace shall be copied, and the same shall be levied an manner, and subject to the like powers, provisions, and respects, as if such fine or fines had been imposed at such Provided always, that nothing herein contained shall be co any power now by law vested in any coroner for compelli appear as juror, or to appear and give evidence before him of other proceeding, or for punishing any person for contempt of appearing as juror, or in not so appearing and giving evidence

XXXVI. AND be it enacted, that whenever any dead body shall be found, Coroner may and any coroner shall, in consequence of the information received by him, body to be consider it necessary to hold an inquest thereon, it shall and may be lawful deposited in for such coroner to order and direct that such dead body shall be brought into the nearest convenient tavern, public house, or house licensed for the sale of until an inquest spirits; and the owner or occupier of such tavern, public or other licensed thereon. house, shall and he is hereby required to permit and allow such dead body to be deposited within the same, or within some part of the premises thereof, until the inquest shall have taken place; and if such owner or occupier shall Owner or occupier shall refuse to permit such dead body to be deposited within the said house, or some part of the premises thereof, it shall be lawful for the said coroner to impose such fine, not exceeding the sum of forty shillings, upon such owner or occupier, for such refusal or neglect, as to such coroner shall seem fit.

pier refusing to admit the same may be

XXXVII. AND be it enacted, that from and after the passing of this Act, Coroner or his in all cases in which any person shall be charged by any coroner's inquisition with the commission of any crime, and shall be subsequently put upon his ally as attorney trial, either on such inquisition or in pursuance of any bill of indictment for the same crime, the coroner before whom such inquisition shall have been found shall be wholly incompetent to act as an attorney in prosecution or coroner. defence of such person for such crime, either by himself or his partner, directly or indirectly; and that in all cases in which it shall appear to the judge before Penalty, 50%. whom such person shall be tried that any coroner shall have so acted contrary to the provisions and intentions of this Act, such judge shall impose upon every coroner so offending such penalty, not exceeding fifty pounds, as the said judge shall in his discretion think fit.

act professionin trial of any case which may have come hefore him as

XXXVIII. And be it enacted, that every coroner appointed or chosen under Coroner, althe authority of this Act, although such coroner may be designated as the though such coroner may be designated as the for a district, coroner of any particular district of a county, riding, or division, city, town, to be considered or borough, shall for all purposes whatsoever, except as herein-after mentioned, the county or be considered as a coroner for the whole of such county, city, town, or city at large. borough, and shall have the same jurisdiction, rights, powers, and authorities, throughout the said county, city, town, or borough, as if he had been elected by the electors of such county, city, town, or borough at large.

XXXIX. And be it enacted, that every coroner appointed or elected under Coroner to the provisions of this Act shall, except during the illness, incapacity, or absence of the coroner for any other district, or during a vacancy in the office of coroner for any other district, hold inquests only within the district to and for which he shall have been so appointed or elected; and that if any coroner shall hold an inquest in any district, save that to and for which he shall have been appointed or elected, he shall state in the abstract of such inquest as aforesaid the reason of his having held such inquest; and it shall be lawful for the grand jury before whom the abstract and accounts of such inquest shall be laid to refuse, if they shall so think fit, to present any sum of money for the payment of any coroner who shall hold an inquest beyond the limits of the district to which he shall have been appointed or elected.

hold inquests only in the district to which he is appointed, except in certain cases.

XL. And be it enacted, that every order which, by and under the provi- All orders of sions of this Act, any coroner, or any two magistrates acting for and in the coroners, &c. absence of such coroner, shall make and issue, shall be signed and sealed by and sealed. such coroner or such magistrates; and that any order which any coroner or Any order not signed and

sealed, to be of magistrate as aforesaid shall make or issue, and which sh and sealed as aforesaid, shall be of no force or effect wh any person be subject to or visited with any fine or oth disobedience thereof.

Grand jury not to present for any coroner guilty of neg-lect, nor for any inquest, except those taken since the

XLI. AND be it enacted, that it shall not be lawful f acting in and for any county, riding, or division, county of town, or borough, to present any sum of money for the coroner, if such coroner shall appear to them to have been g duty in not attending to take any inquest; nor shall it last assizes, &c. grand jury to present any sum of money for the payment or in respect of any inquest other than such as he shall ha then last preceding assizes or presenting term, or since his a presentment.

Coroner may be removed by judge for extortion or neglect of duty.

XLII. AND be it enacted, that if any coroner shall fr passing of this Act be convicted of any extortion, or wilful or misdemeanor, in his office, it shall be lawful for any judg whom he shall be so convicted to adjudge that he shall be office, and thereupon a writ shall issue removing him from electing another coroner in his stead.

Coroner, if once removed from his office. incapable of being again elected.

XLIII. And be it enacted, that if any person shall he from the office of coroner in consequence of any such conv he shall be for ever afterwards incapable of being re-elected district, nor shall it be lawful for any sheriff or sub-sheri person in nomination when a vacancy in the office of coron riding, or division, city, town, or borough, shall occur.

In the absence of coroner, two magistrates may hold inquest, and summon jurors and witnesses, &c.;

XLIV. And be it enacted, that when any dead body shall death attended with suspicious circumstances shall occur, ar be held on the same within the space of two days from the dead body or of such death, it shall be lawful for any two n district to hold an inquest relative to the death of any su summon such jurors and such medical and other witnesse inquest, and to administer all necessary oaths, and to give directions, and to impose such fines for neglect or refusal, i any coroner is empowered to do under the provisions of thi sign and issue to such medical or other witnesses summon before them, and to the owner or occupier of any private ho being related to or connected with the deceased) wherein suc have been deposited, or wherein such inquest shall have been person or persons who shall do or perform any matter or thin inquest, in pursuance of the order of such magistrates, ar treasurer of the county, county of a city, county of a town, case may be, for such sum or sums of money as such coron powered to pay to such witnesses or other persons, and as t just and reasonable; and the said magistrates shall make ou the secretary of the grand jury for such county, riding, or di or borough, an abstract of the inquisition and finding of t with the names of the jurors and of the witnesses who examined at such inquest, and an account of all orders upor payment of such witnesses or other persons, issued by them

and shall return an abstract and account to the grand jury.

before the grand jury acting in and for such county, riding, or division, county of a city, county of a town, or borough, shall next assemble.

XLV. AND be it enacted, that if any elector or other person shall wilfully Persons and falsely take any oath or affirmation appointed by the authority of this falsely or Act to be taken, or if any person shall corruptly procure or suborn any elector suborning others to or other person wilfully and falsely to take any oath or affirmation hereby guilty of appointed to be taken, for the purpose of such person being polled at any election of a coroner, and he or they shall be convicted thereof, he or they shall for every such offence incur all such pains and penalties as are by law inflicted on persons guilty of perjury or subornation of perjury.

XLVI. And whereas it is expedient to make provision for supporting coroners inquisitions, and for preventing the same from being quashed on account of technical defects: Be it therefore enacted, that from and after the Inquisitions, passing of this Act no inquisition found upon or by any coroner's inquest, nor quashed on any judgment recorded upon or by virtue of any such inquisition, shall be account of quashed, stayed, or reversed for want of the averment therein of any matter defects. unnecessary to be proved; nor for the omission of words "with force and "arms," or of the words "against the peace," or of the words "against the " form of the statute"; nor for the omission or insertion of any other words Or expressions of mere form or surplusage; nor for the insertion of the words "upon their oath" instead of the words "upon their oaths"; nor for omitting to state the time at which the offence was committed, when time is not the essence of the offence; nor for stating the time imperfectly; nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names; nor by reason of the mon-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such inquisition, and the names subscribed thereto; nor because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto; nor because any such mark or marks is or are unattested, provided the name or names of such juror or jurors is or are set forth; nor because any juror or jurors has or have signed his or their christian name or names by means of an initial or partial signature only, and not at full length; nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed; nor for want of a proper name, where the inquest shall appear or purport to have been taken by a coroner or any two magistrates of or for the county, riding, or division, city, town, or borough, or place, in which it shall appear or purport to have been taken; nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written on parchment; nor because the coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest; nor because all or any of the jurors upon such inquest may not have been rated to the relief of the poor; and in all or any of such cases of technical defect as are herein-before Inquisitions mentioned it shall be lawful for any judge of either of her Majesty's courts in may be amended as to Dublin, or any judge of assize or gaol delivery, if he shall so think fit, upon such defects, the occasion of any such inquisition being called in question before him, to

order the same to be amended in any of the respects aforesa shall forthwith be amended accordingly.

7 & 8 Vict. c. 106. s. 31.

Nothing in this Act to affect the recited provision. Grand jury of the county of Dublin to present for expences of inquests in advance.

Finance committeee of county of Dublin to pay the expences of witnesses, &c. paid by coroner, and magistrates' orders for money.

Coroners to make returns yearly of inquests to lord lieutenant.

Oath to include affirmation,

XLVII. And whereas it was provided by the herein-before r in the seventh and eighth years of the reign of her present shall be lawful for the grand jury of the county of Dublin a term to present any sum, not exceeding in the whole in any of one hundred pounds, for the payment of each and every county respectively; provided that no coroner shall receive rate of one pound ten shillings for each inquest so held by his that nothing in this Act contained shall extend or be constrepeal or alter the said provision.

XLVIII. AND be it enacted, that it shall be lawful for the county of Dublin at each presenting term to present in a sthey shall deem necessary for the payment of all expensional inquests within the said county during the ensuing shall be applotted and levied in like manner, and with the sauthorities, and subject to the same rules and regulations, as reference to all other sums presented by the said grand jurvirtue of the said last-recited Act.

XLIX. And be it enacted, that it shall be lawful for the of the county of Dublin to pay to any coroner of the said of money which he shall have advanced to any witness or other provisions of this Act, or to pay all orders for money which an shall under the provisions of this Act have given to any person for or concerning any inquest held by them: Provisuch payments shall not in any case exceed the sums of mother schedule (C.) hereto annexed.

L. AND be it enacted, that from and after the passing coroner in Ireland shall, on or before the tenth day of Janumake out and transmit to the lord lieutenant of Ireland a according to such form as the said lord lieutenant shall findirect, of all the cases in which he shall have been called inquest touching the death of any person during the year thirty-first day of December immediately preceding, and finding of the jury on every such inquest.

LII. AND be it enacted, that in this Act the word "oath' be construed and interpreted to signify and include all a may now by law be made and tendered by or to any personal Ireland.

SCHEDULES referred to in the foregoing A SCHEDULE (A.)

FORM of Oath to be taken by Electors at any Election Coroner.

I A.B. do swear [or affirm], that I am a registered electron [or borough] of the in right of my

[state the nature of the franchise, whether it be an estate of freehold, leasehold, or of any other nature, and the townland, parish, and barony where situate,] and that the place of my abode is at be a place consisting of more places or streets than one, specify what street or place,] and that I have not been polled before at this election, [adding, except in cases of affirmation,

So help me GOD.

SCHEDULE (B.)

Form of Oath to be taken by Candidates at any Election for the Office of

Coroner. I A.B. do swear [or affirm], that I truly and bonâ fide have, to and for my own use and benefit, such an estate of inheritance of the annual value of fifty pounds sterling, [or of freehold for my own life, or for the life of , or for the lives of annual value of one hundred pounds sterling, as the case may be,] in law or equity, as I have described in the statement thereof delivered by me to the sheriff [or under sheriff] of , of and in the lands, tenements, or hereditaments, over and above all charges and incumbrances that may affect the same, and as doth qualify me to be elected and chosen to serve the office of coroner for the county of [riding, or division, county of a city, county of a town, or borough, or district thereof, as the case may be], according to the tenor and meaning of an Act passed in the ninth and tenth years of her present Majesty, intituled "An Act " to amend the laws relating to the office of coroner and the expences of " inquests in Ireland"; and that my said lands, tenements, or hereditaments are lying and being at , [if in a street in a city, town, or borough, or other place, specify what street,] in the parish of in the barony of , as the case , [or ward of may be,] and county of county of the city of , or borough , county of the town of of

, as the case may be,] aforesaid.

So help me GOD.

SCHEDULE (C.)

TABLE Of Payments which any Coroner, or any Two Magistrates in his Absence, may make to any Witness or other Person who, being summoned, shall attend and give Evidence at any Inquest, or shall do any other Act or Thing in obedience to the Order of such Coroner or of such Two Magistrates as a foresaid. s. d. To any poor witness, for each day of attendance at any inquest, any sum not exceeding, per diem -0 1 0 To the owner or occupier of any private house who shall permit any dead body to be deposited therein, (if such owner or occupier be not related to or connected with the deceased,) any sum not exceeding, per diem 3 4 F 2

To the owner or occupier of any private house who s accommodation to the coroner, (or to any two magistr his absence,) jurors and witnesses, for the holding of therein, (in case such owner or occupier shall not be or connected with the deceased,) any sum not exce diem

To the person or persons who shall, pursuant to an any coroner or of any two magistrates, disinter and bury any dead body

To any legally qualified medical practitioner who, in of the summons and order of any coroner or of any trates, shall attend and examine any dead body, evidence as a witness at any inquest held thereon, the

To any legally qualified medical practitioner who, in of the order of any coroner or of any two magistrates, a post mortem examination of any dead body, and sl and give evidence at the inquest held thereon, the fo

To any person or persons who shall, pursuant to a writing from any coroner or any two magistrates, ha a coffin, and buried the body of any stranger on wl quest shall have been held, the sum of

CHAPTER XL.

An Acr to declare certain Ropeworks not within Factory Acts.

HEREAS in the fourth year of the reign of William the Fourth an Act was passed, intitule " the labour of children and young persons in the mil " United Kingdom," and the said Act was amended by the seventh year of the reign of her present Majesty, " amend the laws relating to labour in factories"; a been construed to apply to ropeworks; and it is exp makers from the effect of such construction, and of declared and enacted by the Queen's most excellent Ma advice and consent of the lords spiritual and temporal present Parliament assembled, and by the authority ropery, ropewalk, or ropework, in which machinery, r or other mechanical power, is not used for drawing or flax, hemp, jute, or tow, but only for laying or twisting preparing or finishing the lines, twines, cords, or rop internal communication with any buildings or premise part of a mill or factory within the meaning of the said is necessary for the transmission of power, shall be de factory within the provisions of the said Acts or of eit nothing in the said Acts, or in either of them, shall be d

employment of children, young persons, or women, in

walk, or ropework.

8 & 4 Will. 4. c. 103.

7 & 8 Vict. c. 15.

Certain ropeworks not to be deemed mills or factories within the provisions of recited Acts.

CHAPTER XLIV.

An Acr to remove Doubts as to the Election of Members to serve in Parliament for the County of Chester, the Boroughs situate therein, and for the County of the City of Chester. [7th August 1846.]

HEREAS by an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "An Act for the more 11 Geo. 4. & " effectual administration of justice in England and Wales," it was amongst other things enacted, that all the power, authority, and jurisdiction of the chamberlain and vice chamberlain of the county palatine of Chester, both at law and in equity, should cease and determine: And whereas since the passing of the said Act doubts have arisen whether writs for the election of members to serve in Parliament for the county of Chester, and for the boroughs situate therein, and for the county of the city of Chester, ought to be directed to the said chamberlain, or to the sheriffs of the said county and county of the said city respectively: Be it therefore enacted by the Queen's most excellent Writs for Majesty, by and with the advice and consent of the lords spiritual and members to temporal, and commons, in this present Parliament assembled, and by the serve for the authority of the same, that from and after the passing of this Act all writs for Chester, to be the election of members to serve in Parliament shall be directed to the sheriff of the of the county of Chester in all cases where the election is to be for members county; and or a member to serve in Parliament for either of the divisions of that county, of the county of the city, to . and to the sheriff of the county of the city of the sheriff of Chester where the election is to be for members or a member to serve in the county of the city. Parliament for the county of the said city.

1 Will. 4. c. 70.

CHAPTER XLVIII.

An Acr for legalizing Art Unions.

[13th August 1846.]

TYPEREAS certain voluntary associations have been and may hereafter be formed in various parts of the United Kingdom, under the name of art unions, for the purchase of paintings, drawings, or other works of art, to be afterwards allotted and distributed, by chance or otherwise, among the several members, subscribers, or contributors, forming part of such associations, or for raising sums of money by subscription or contribution, to be allotted and distributed, by chance or otherwise, as prizes, amongst the members, subscribers, or contributors, forming part of such associations, on the condition nevertheless that such sums of money so allotted and distributed be expended solely and entirely in the purchase of paintings, drawings, or other works of art: And whereas such allotment and distribution of paintings, drawings, or other works of art, or of sums of money for their purchase, and the proceedings taken to carry the same into effect, may be deemed and taken to come within the provisions of the several Acts of Parliament passed for the prevention of lotteries, little goes, and unlawful games, whereby the members, subscribers, or contributors of such associations as aforesaid, or persons acting under their authority or on their behalf, may be liable or subjected to certain pains and penalties imposed by law on persons concerned in lotteries, little goes, and unlawful games: And whereas it is expedient that all members of and Voluntary
associations
constituted for
the distribution
of works of
art by lot
deemed legal,
provided a
royal charter
shall have been
first obtained,
or deed of
settlement approved by
privy council,
&c.

may have rendered themselves liable, or may here liable, by reason of any such their proceedings as afor the Queen's most excellent Majesty, by and with th the lords spiritual and temporal, and commons, in assembled, and by the authority of the same, that all tions as aforesaid, now constituted, or which may according to the provisions herein-after contained, lawful associations; and the members of and subscrib all such lawful associations, and all persons acting und their behalf for the purposes aforesaid, shall be freed pains and penalties, suits, prosecutions, and liabilities would be liable but for the passing of this Act, as be lotteries, little goes, or unlawful games, by reason of a may be done by them or any of them in furtheran distribution, by scheme or otherwise, of paintings, dra art, or of the allotment or distribution of sums of expended for their purchase: Provided always, th charters shall have been first obtained for the inco association, or provided that the deed of partnership instruments constituting such association, and the rule ing to the proceedings of such association for such pur have first been submitted to the consideration and committee of her Majesty's most honourable privy cou deposited with such committee; and that it shall be charter, deed, or instrument, that it shall be lawful for Majesty's privy council to whom the consideration of ar by her Majesty, whenever it shall appear to them that an verted from the purposes of this Act, to certify the fa thereupon it shall be lawful for her Majesty to revok deed, or instrument, under which the association so of constituted; and nothing in this Act contained shall any association whose charter, deed of partnership, or stituting the same shall have been so revoked or annul

subscribers and contributors to such voluntary associall persons acting under their authority or on their believed proceedings are carried on in good faith for the encour shall be discharged and protected from any pains and

Reservation of power to revoke charter, &c. if association is perverted from its purpose.

CHAPTER LVI.

An Act to provide Forms of Proceedings under the Act of Assessed Taxes, and the Duties on Profits Professions, Trades, and Offices in England.

43 Geo. 3. e. 99. W HEREAS by an Act passed in the forty-third King George the Third, intituled "An Act for "the provisions contained in any Act or Acts relating "management of the commissioners for the affairs of t "the same," the duties of assessed taxes then under

commissioners for the affairs of taxes, so far as the same related to England, Wales, and Berwick-upon-Tweed, were directed to be assessed, raised, levied, and paid under the regulations of the said Act: And whereas divers Acts of Parliament have from time to time been passed for explaining, altering, or amending the said recited Act and the laws relating to the duties of assessed taxes: And whereas since the passing of the said first-recited Act divers duties of assessed taxes, and duties on profits arising from property, professions, trades, and offices, have from time to time been granted by Parliament, and directed to be assessed, raised, levied, collected, and paid under the rules and regulations of the said first-recited Act, and the several other Acts relating thereto, or for explaining, altering, or amending the same; and such of the said several duties as are now in force, and payable to her Majesty, her heirs and successors, are placed by law under the direction and management of the commissioners of stamps and taxes: And whereas in and by the said several Acts herein-before recited, mentioned, or referred to, and other Acts relating to the said respective duties, the commissioners and officers acting in the execution of the said Acts are required and authorized respectively to make and allow divers assessments, and to make, sign, and issue certain warrants, certificates, notices, and other official documents, in the assessing, levying, and collecting of the said duties, and otherwise in relation thereto; and it would tend to promote and facilitate the due and uniform execution of the said Acts, if proper forms of proceedings for that purpose were provided and established Be it therefore enacted by the Queen's most excellent Majesty, by The forms and with the advice and consent of the lords spiritual and temporal, and the schedule commons, in this present Parliament assembled, and by the authority of the to this Act to same, the sat from and after the passing of this Act, in the assessing, charging, proceedings levying, and collecting of the said several duties herein-before mentioned, and under the Acts on all ther occasions in the execution of the several Acts relating to the assessed taxes matters Increin-before mentioned, or any of them, in England, it shall be lawful and the respective commissioners, officers, and other persons acting in that income tax. behalf to cause their respective assessments, duplicates, charges, warrants, orders, motices, and other proceedings to be drawn, prepared, and made out according to the several forms contained in the schedule hereunto annexed, or to the effect thereof, mutatis mutandis, as the case shall require; and every such assessment, duplicate, charge, warrant, order, notice, or other proceeding, which shall be so drawn, prepared, or made out, shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts or evidence, in any more particular manner than is required in and by such forms respectively; and no information, summons, conviction, or other preliminary proceeding shall be deemed to be necessary to authorize or justify the making or issuing of any warrant, order, or other proceeding, whereof a form is contained in the said schedule, other than such preliminary proceeding as is recited or mentioned in such form; and the said schedule, and the several forms, rules, and directions therein contained, shall respectively be deemed to be part of this Act.

II. Provided always, and be it enacted, that no assessment, charge, warrant, Proceedings or other proceeding, which shall be made, or shall purport to be made, by not to be void or other proceeding, which shall be made, or shall purport to be made, by or voidable for virtue or in pursuance or in execution of the said several Acts herein-before want of form, recited, mentioned, or referred to, or any of them, or of any other Act or Acts or affected by

any mistake, &c. therein.

Construction of terms in this Act, or in schedule, or in forms in accordance with schedule.

" Duties of assessed taxes," &c.

"Commissioners of assessed taxes."

"Commissioners of the property and income tax."

"Additional commissioners of the property and income tax."

"Special commissioners of the property and income tax."

"Commissioners for offices."

" Oath."

" England."

" Parish."

Number and gender. relating to the said several duties herein-before mentioned deemed to be void or voidable for want of form, or be impression of any mistake, defect, or omission therein, property charged or intended to be charged or affected by be designated therein to common intent and understanding be in substance and effect in conformity with or according to the said Acts.

III. AND be it enacted, that wherever the terms and occur in this Act or in the schedule hereunto annexed, a terms and expressions respectively shall occur or be used ceeding to be drawn, prepared, or made out according t contained in the said schedule, the said terms and expr strued to have the meanings herein-after assigned to the is to say,) the several expressions, "duties of assessed ta " profits arising from property, professions, trades, and tively mean and include as well the said respective dut for the same, and all sums of money which may lawfu added to any assessment of the said respective duties; " missioners of assessed taxes" shall be construed a commissioners for putting into execution the several duties of assessed taxes; the expression "commissioners " income tax" shall be construed and deemed to mean general purposes of the Act passed in the fifth and sixth her present Majesty, intituled "An Act for granting to " profits arising from property, professions, trades, and " day of April one thousand eight hundred and forty-" additional commissioners of the property and income t and deemed to mean additional commissioners for execut said last-mentioned Act; the expression "special commiss " and income tax " shall be construed and deemed to m the special purposes of the said last-mentioned Act; the " sioners for offices" shall be construed and deemed to for executing the said last-mentioned Act in relation to under schedule (E.) of the same Act, in respect of office profit in any court or public department of office, or borough, town, or place, or in any cinque port; the term and include an affirmation, in the case of Quakers or other law to make an affirmation in lieu of an oath; the te mean and include England, Wales, and Berwick-upo "parish" shall mean and include any parish, ward, separate assessment of the duties of assessed taxes, or of arising from property, professions, trades, and offices, n or for which any assessor or collector may be lawfully a pose of assessing or collecting the said respective dutie words importing the singular number or the masculing respectively be understood to include several persons, m well as one person, matter, or thing, and females as well be something in the subject or context repugnant to such

The SCHEDULE to which this Act refers;

CONTAINING THE

- FORMS of Proceedings for carrying into execution the several Acts relating to the Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices; (that is to say,)
- 1.—Form of appointment of assessors.
 - 2.—Form of certificate of assessments of the duties of assessed taxes, and of the allowance thereof.
- 3.—Form of duplicate of first assessments of the duties of assessed taxes, and abstract of contracts of composition for the said duties.
- 4.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate.
- 5.—Form of certificate of assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 6.—Form of duplicate of first assessments of duties under schedules (A.) and
 (B.) of the Act 5 & 6 Vict. c. 35.
- 7.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate, form N° 6.
- 8.—Form of certificate of first assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 9.—Form of certificate of assessments of duties under schedule (E.) of the et 5 & 6 Vict. c. 35., and of the allowance thereof.
- 10.—Form of duplicate of first assessments of duties under schedules (D.)
- 11.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate, form N° 10.
- 12.—Form of special commissioners assessments of duties under schedule (D.)

 of the Act 5 & 6 Vict. c. 35.
- 13.—Form of duplicate of special commissioners assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35.
- 14.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 13.
- 15.—Form of certificate of assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35. in respect of public offices, and of the allowance thereof.
- 16.—Form of additional first assessments of the duties of assessed taxes, and of the allowance thereof.
- 17.—Form of duplicate of additional first assessments of the duties of assessed taxes.
- 18.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form No 17.
- 19.—Form of additional first assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 20.—Form of duplicate of additional first assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35.
- 21.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form No 20.

N.

- 22.—Form of certificate of additional first assessment dule (D.) of the Act 5 & 6 Vict. c. 35., and of
- 23.—Form of additional first assessments of duties un Act 5 & 6 Vict. c. 35., and of the allowance the
- 24.—Form of duplicate of additional first assessment dules (D.) and (E.) of the Act 5 & 6 Vict. c. 35
- 25.—Form of collectors warrant to be annexed or sul duplicate, form N° 24.
- 26.—Form of supplementary assessments of the dutie of the allowance thereof.
- 27.—Form of duplicate of supplementary assessments taxes.
- 28.—Form of collectors warrant to be annexed or subduplicate, form N° 27.
 29.—Form of supplementary assessments of duties u
- (B.) of the Act 5 & 6 Vict. c. 35., and of the al 30.—Form of duplicate of supplementary assessments of
 - (A.) and (B.) of the Act 5 & 6 Vict. c. 35.
- 31.—Form of collectors warrant to be annexed or subduplicate, form N° 30.
- 32.—Form of supplementary assessments of duties under the Act 5 & 6 Vict. c. 35., and of the allowance the 33.—Form of supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties under the supplementary assessments of duties and duties are supplementary assessments.
- Act 5 & 6 Vict. c. 35., and of the allowance the 34.—Form of duplicate of supplementary assessment
- dules (D.) and (E.) of the Act 5 & 6 Vict. c. 35 35.—Form of collectors warrant to be annexed or sulduplicate, form No 34.
- 36.—Form of appointment of assessors for making a pursuant to the Act 43 Geo. 3. c. 161. s. 56. or the s. 174. on the default or failure of the collector
- s. 174., on the default or failure of the collector 37.—Form of certificate of re-assessment under the Act or the Act 5 & 6 Vict. c. 35. s. 174., and of the
- 88.—Form of duplicate of re-assessment under the Act or 5 & 6 Vict. c. 85. s. 174.
- 39.—Form of collectors appointment and warrant to to the foregoing duplicate of the re-assessment of
- 40.—Form of assessors appointment for making an assessors 43 Geo. 3. c. 99. s. 70. and c. 161. s. 86., to by the commissioners in actions at law.
- 41.—Form of certificate of assessment for raising the missioners in actions at law, and of the allowan
- 42.—Form of duplicate of assessment for costs incurre actions at law.
- 43.—Form of collectors appointment and warrant to be to the foregoing duplicate of assessment, form N
- 44.—Form of surveyor's certificate of charges of assementary assessment.
- 45.—Form of oath of service of notices of charge, to be going certificate, form N 14.

No.

- 46.—Form of allowance by the commissioners of surveyor's certificate of charges, form No 44.
- 47.—Form of surveyor's certificate of charges of the duties on profits arising from property, professions, trades, and offices, for supplementary assessment.
- 48.—Form of oath of service of notices of charge, to be subjoined to the foregoing certificate, form No 47.
- 49.—Form of allowance by the commissioners of surveyor's certificate of charges, form N° 47.
- 50.—Form of certificate under the Act 43 Geo. 3. c. 99. s. 35. as to duties of assessed taxes in arrear.
- 51.—Form of warrant to be annexed or subjoined to the foregoing certificate, form N° 50.
- 52.—Form of certificate under the Act 5 & 6 Vict. c. 35. s. 177. as to duties in arrear.
- 53.—Form of warrant to be annexed or subjoined to the foregoing certificate, form N° 52.
- 54.—Form of certificate under the Act 5 & 6 Vict. c. 35. s. 155. as to duties in arrear.
- 55.—Form of warrant to be annexed or subjoined to the foregoing certificate, form N 54.
- 56.—Form of a schedule of persons who have made default in payment of the duties of assessed taxes to be delivered by the collector, pursuant to the Acts 48 Geo. 3. c. 141., No V., rule 1st, and 3 Geo. 4. c. 88., N III., rule 4th.
- 57.—Form of collector's affidavit, to be subjoined to the foregoing schedule, form No 56.
- 58.—Form of collector's affidavit, to be subjoined to the forms N° 56 and 57, and to be made after the schedule has remained with the commissioners of the division for the space of 40 days, as directed by the Act 48 Geo. 3. c. 141., N° V., rule 2nd.
- 59.—Form of a schedule of persons who have made default in payment of the duties on profits arising from property, professions, trades, and offices, to be delivered by the collector, pursuant to the Acts 48 Geo. 3. c. 141., N° V., rule 1st, and 3 Geo. 4. c. 88., N° III., rule 4th.
- 60.—Form of collector's affidavit, to be subjoined to the foregoing schedule, form N° 59.
- 61.—Form of collector's affidavit, to be subjoined to forms N° 59 and 60, and to be made after the schedule has remained with the commissioners of the district for the space of 40 days, as directed by the Act 48 Geo. 3. c 141., N° V., rule 2nd.
- 62.—Form of receiving officer's certificate, certifying the foregoing schedules of defaulter's forms, N' 56 and 59, to the Court of Exchequer, pursuant to the Acts 48 Geo. 3. c. 141., No V., rule 2nd, and 1 & 2 Geo. 4. c. 113. s. 32.
- 63.—Form of receiving officer's certificate to the Court of Exchequer, pursuant to the Acts 48 Geo. 3. c. 141., N V., rule 3rd, and 1 & 2 Geo. 4. c. 113. s. 34., of collectors who have made default in accounting for duties.
- 64.—Form of certificate to be made by two commissioners of stamps and taxes for enrolment in the office of her Majesty's remembrancer of the Court of Exchequer, pursuant to the Act 5 & 6 Will. 4. c. 20. s. 11.

No.

- 65.—Form of collectors warrant, which may be issued schedules of defaulters remain with the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of the commutation of t
- 66.—Form of return to be made by collectors, unc. 99. s. 45., of arrears of duties which cannot collectors.
- 67.—Form of oath to be made by the collectors, and e schedule, form N° 66.
- 68.—Form of a schedule of defaulters to be made ou pursuant to the Act 43 Geo. 3. c. 99. s. 45., an the commissioners of stamps and taxes, pursuant
- c. 20. s. 13.
 69.—Form of revocation of the appointment of a ment of another collector in his stead, und c. 99. s. 40.
- 70.—Form of a warrant under the Act 3 Geo. 4. c. person and seize the estate of a collector making duties collected.
- 71.—Form of a warrant to sell a collector's estate seiz warrant, form N° 70.
- 72.— Form of a warrant under the Act 3 Geo. 4. c. 88 of a deceased collector who has made defaul collected.
- 73.—Form of a warrant to sell a deceased collector's foregoing warrant, form No 72.
- 74.—Form of public notice of a meeting of com 3 Geo. 4. c. 88. s. 3. to be held after the estate.
- 75.—Form of a deed of conveyance and assignmen seized under the Act 3 Geo. 4. c. 88. s. 4.
- 76.—Form of warrant under the Act 43 Geo. 3.

 open a house for the purpose of levying a
- 77.—Form of warrant under the Act 43 Geo. 3. c. 99. open a house for the purpose of levying a dassessed taxes in arrear.
- 78.—Form of warrant under the Acts 43 Geo. 3. c. 9 c. 35. ss. 155. and 177. to break open a house fo a distress for the duties on profits arising from trades, and offices in arrear.
- 79.—Form of a warrant of commitment under the Action for want of a sufficient distress for duties in arr
- 80.—Form of a warrant of commitment under the . s. 16. for want of a sufficient distress for the duarrear.
- 81.—Form of a warrant of commitment under the s. 16. for want of a sufficient distress for the d from property, professions, trades, and offices.

N 1.

Form of Appointment of Assessors.

To and , inhabitants of the parish of , in the district of , in the county of

WE the undersigned, being commissioners of assessed taxes [or of the

We the undersigned, being commissioners of assessed taxes [or of the property and income tax] acting in and for the district of , in the county of , have, by virtue and in pursuance of the Acts enabling us in this behalf, appointed you the above-named and to be the assessors of the duties of assessed taxes [or of the duties on profits arising from property, professions, trades, and offices] for the said parish of , in the said district and county, for the year ending the 5th day of April 184; and we do hereby strictly enjoin and require that you and each of you do perform the office of such assessors according to the directions of the Acts of Parliament relating thereto, and

that you do charge and assess yourselves, and all other persons who are chargeable to the said duties or any of them, within the said parish of , and that you do make your assessments according to the provisions of the laws now in force; and hereof you will not fail, as you

and each of you will answer the contrary at your peril.

Given under our hands and seals at in the said district,

this day of in the year of our Lord 184.

Commissioners of assessed taxes
[or of the property and income tax].

Nº 2.

Form of Certificate of Assessments of the Duties of Assessed Taxes, and of the Allowance thereof.

County of , district of

Assessments of the duties of assessed taxes made upon the several persons chargeable with the said duties within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties, duly certified upon oath by the assessors, and allowed according to the directions of the said Acts, by the commissioners of assessed taxes whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, assessors appointed for making assessments of the duties of assessed taxes for the before-mentioned parish of , for the year ending the 5th day of April 184 , do hereby certify the foregoing assessments of the said duties for the parish aforesaid; and we do make oath and declare, that in the foregoing assessments we have charged and assessed ourselves, and all other persons who are chargeable with the said duties or any of them within the said parish, and that we have made our said assessments conformably to the provisions of the laws now in force, according to the best of our knowledge and belief; and we do hereby, in pursuance of

the directions of the statute in that behalf, return the rand, of the said parish, as able an collectors of the said duties.

Witness our hands, this of our Lord 184.

day of

We the undersigned, commissioners of assessed to district and county aforesaid, do hereby, in pursuance to the duties of assessed taxes, sign and allow the amounting to the sum of , the same having us by the above-named assessors, as directed by the behalf made.

Given under our hands and seals, at district, this day of Lord 184.

Nº 3.

Form of Duplicate of First Assessments of the Du and Abstract of Contracts of Composition for

County of , district of

A DUPLICATE of the first assessments of the dutie upon the several persons chargeable with the said duin the said district, for the year er

184 , pursuant to the Acts of Parliament relating to abstract of contracts of composition for the said duties under the statutes in that behalf by the several personal period for the same year.

[Set forth the particulars of the assessments, an under each contract of composition, in such the commissioners of stamps and taxes purpose.]

We the undersigned, commissioners of assessed tax district and county aforesaid, do hereby sign and allo of the first assessments of the duties of assessed contracts of composition for the said duties, amount sum of

Given under our hands and seals, at district, this day of Lord 184.

Nº 4.

Form of Collectors Appointment and Warrant, to be annexed or subjoined to the foregoing Duplicate.

To and , two of the inhabitants of the parish of , in the district of , in the county of .

WE the undersigned, commissioners of assessed taxes acting in and for the district aforesaid in the county aforesaid, do hereby nominate and appoint you the above-named and collectors of the duties of assessed taxes for the parish of , in the said district and county, for the year ending the 5th day of April 184.

And whereas, by virtue and in pursuance of the powers and authorities of the several Acts of Parliament relating to the said duties, we the said commissioners have signed and allowed the first assessments of the said duties for the said year upon the several persons chargeable with the same within the parish aforesaid, and have set our hands and seals to the duplicate of the said assessments, and to the abstract of contracts of composition for the said duties entered into with the persons therein-named under the statutes in that behalf, which said duplicate and abstract are herewith delivered unto you: Now we the said commissioners do hereby enjoin and require you the above-named collectors, or either of you, to make demand of the several sums contained in the said duplicate and abstract from the parties charged therewith, or at the places of their last abode, or on the premises charged with the assessment, as the case may require, within the time and in the manner appointed and directed by the said Acts, and upon payment thereof to give acquittances under your hands (without taking any thing for such acquittances, the stamp duty for the same excepted,) unto the several persons who shall pay the same; and if any person or persons shall refuse to pay the sum and sums charged upon him, her, or them, upon demand duly made by you or either of you, then we hereby enjoin and strictly require you or either of you, for non-payment thereof, to distrain for the same according to the directions of the said Acts, by virtue of this our warrant, without further authority.

Given under our hands and seals, at district, the day of

within the said in the year of our

Lord 184 .

Commissioners of assessed taxes.

N 5.

Form of Certificate of Assessments of Duties under Schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35., and of the Allowance thereof.

County of , district of

ASSESSMENTS of the duties under the respective schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35. made upon the several persons chargeable with the said duties within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties, duly certified upon oath by the assessors, and

allowed according to the directions of the sa whose names are signed at the end hereof.

[Set forth the particulars of the assessme form as the commissioners of stamps and

We the undersigned, assessors of the duties on professions, trades, and offices, for the parish of year ending the 5th day of April 18 , do hereby ments of the duties payable under the respective the Act 5 and 6 Vict. c. 35, for the parish aforesa and declare, that in the foregoing assessments we ourselves, and all other persons who are chargeable the said schedules, or either of them, within the sa made our said assessments conformably to the proforce, according to the best of our knowledge and in pursuance of the statute in that behalf, return to , of the said parish, as able collectors of the said duties.

As witness our hands, this day of of our Lord 184 .

We the undersigned, commissioners of the proper in and for the district of aforesaid, de the Acts of Parliament relating to the duties on prof professions, trades, and offices, sign and allow the fo same having been duly verified before us by the al directed by the Act of Parliament in that behalf mad

Given under our hands and seals, at district, this day of Lord 184

Nº 6.

Form of Duplicate of First Assessments of Duties und (B.) of the Act 5 and 6 Vict. c. 35

County of

A DUPLICATE of the first assessments of the duties schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35., m. persons chargeable with the said duties within the parish in the said district, for the year ending the 5th day of A remain in force for the space of of April 184 , pursuant to the Acts of Parliament relati

Set forth the particulars of the assessments in su form as the commissioners of stamps and taxe that purpose.]

We the undersigned, commissioners of the property an in and for the district of aforesaid, allow the foregoing duplicate of the first assessments of the duties payable under the respective schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35. amounting in the whole to the sum of

Given under our hands and seals, at district, this day of our Lord 184

and

within the said in the year of

Commissioners of the property and income tax.

N° 7.

Form of Collectors Appointment and Warrant to be annexed or subjoined to the foregoing Duplicate, Form Nº 6.

 T_{0} parish of county of

, two of the inhabitants of the , in the district of

We the undersigned, commissioners of the property and income tax acting in and for the district aforesaid in the county aforesaid, do hereby nominate, and appoint you the above-named collectors of the duties on profits arising from property, professions, trades, and offices, for the parish of in the said district, for the year ending the 5th day of April 184.

And hereas, by virtue and in pursuance of the powers and authorities of the several Acts of Parliament relating to the said duties, we the said commissioners have signed and allowed the foregoing duplicate of the first assessme to of the said duties chargeable under the respective schedules (A.) and (B-) of the Act 5 and 6 Vict. c. 35., and charged upon the several persons mentioned in the foregoing duplicate, within the parish aforesaid, for the year ending the 5th day of April 184, to be and remain in force for the space years, ending on the 5th day of April 184 : of

Now we the said commissioners do hereby enjoin and require you the abovenamed collectors, or either of you, to make demand of the several sums contained in the foregoing duplicate from the parties charged therewith, or at the places of their last abode, or on the premises charged with the assessment, as the case may require, within the time and in the manner appointed and directed by the said Acts, and upon payment thereof to give acquittances under your hands (without taking any thing for such acquittances) unto the several persons who shall pay the same; and if any person or persons shall refuse to pay the sum or sums charged upon him, her, or them, upon demand duly made by you or either of you, then we do hereby enjoin and strictly require you or either of you, for nonpayment thereof, to distrain for the same according to the directions of the said Acts, by virtue of this our warrant. without further authority.

Given under our hands and seals, at district, this day of

within the said in the year of our

Lord 184

Commissioners of the property and income tax.

N 8.

Form of Certificate of First Assessments of Duties under Schede Act 5 and 6 Vict. c. 35., and of the Allowance there:

County of , district of

Assessments of the duties under schedule (D.) of the Actaco. 35. made upon the several persons chargeable with the said the parish of in the said district, for the years and duties, by the commissioners whose names are signed at the

[Set forth the particulars of the assessments in such taken form as the commissioners of stamps and taxes shall purpose.]

We the undersigned, additional commissioners of the propertax acting in and for the district of aforesaid, pursuance of the Acts relating to the duties on profits arising professions, trades, and offices, certify the foregoing first asseduties payable under schedule (D.) of the Act 5 and 6 Vict. parish of aforesaid, amounting to the sum of

Given under our hands and seals, at district, this day of

Lord 184 .

Additional commi

The foregoing certificate of assessments having been present undersigned, commissioners of the property and income tax activated district of aforesaid, and all appeals again having been heard and determined, we do hereby allow and correspond to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the corresponding to the correspondin

Given under our hands and seals, at district, this day of Lord 184 .

Commiss property an

Nº 9.

Form of Certificate of Assessments of Duties under Schedule
5 and 6 Vict. c. 35., and of the Allowance there

County of , district of

Assessments of the duties under schedule (E.) of the Act c. 35. made upon the several persons within mentioned, characteristic and duties within the parish of in the said year ending the 5th day of April 184, pursuant to the Act relating to the said duties, duly certified upon oath by allowed according to the directions of the said Acts of Parallel and Acts of Par

commissioners of the property and income tax whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, assessors of the duties on profits arising from property, professions, trades, and offices, for the parish of aforesaid, do hereby certify the foregoing assessments of the duties payable under schedule (E.) of the Act 5 and 6 Vict. c. 35. for the parish aforesaid; and we do make oath, that in the foregoing assessments we have charged and assessed ourselves and all other persons chargeable under the said schedule with the said duties within the said parish, and that we have made our said assessments conformably to the provisions of the laws now in force, according to the best of our knowledge and belief; and we do hereby, in pursuance of the statute in that behalf, return the names of and ,

as able and sufficient persons to be the collectors of the said duties.

As witness our hands, this year of our Lord 184 .

day of

in the

Assessors.

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby, in pursuance of the Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices, sign and allow the foregoing assessments, the same having been duly verified before us by the above-named assessors, as directed by the Act of Parliament in that behalf made.

Given under our hands and seals, at

eals, at within the said day of in the year of our

district, this Lord 184.

Commissioners of the property and income tax.

Nº 10.

Form of Duplicate of First Assessments of Duties under Schedules (D.) and (E.) of the Act 5 and 6 Vict. c. 35.

County of

, district of

A DUPLICATE of the first assessments of the duties under the respective schedules (D.) and (E.) of the Act 5 and 6 Vict. c. 35. made upon the several persons chargeable with the said duties within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing duplicate of the first assessments of the said duties payable

under the respective schedules (D.) and (E.) of the amounting in the whole to the sum of

Given under our hands and seals, at district, this day of Lord 184.

Nº 11.

, in th

in the

Form of Collectors Appointment and Warrant to be the foregoing Duplicate, Form 1

To and the parish of

in the county of

WE the undersigned, commissioners of the proper
in and for the district aforesaid in the county afor
and appoint you the above-named
collectors of the duties on profits arising from pro

and offices, for the parish of ending the 5th day of April 18.

And whereas by virtue and in pursuance of the the several Acts of Parliament relating to the said missioners have signed and allowed the foregoin assessments of the said duties payable under the res (E.) of the Act 5 and 6 Vict. c. 35., and charged mentioned in the foregoing duplicate, within the paraforesaid, for the year ending the 5th day of April 18

Now we the said commissioners do hereby enjoin collectors, or either of you, to make demand of the the foregoing duplicate from the parties charged the their last abode, as the case may require, within the appointed and directed by the said Acts, and upon acquittances under your hands (without taking any tunto the several persons who shall pay the same; an shall refuse to pay the sum and sums charged upodemand duly made by you or either of you, then strictly require you or either of you, for nonpayment the same, according to the directions of the said Activarrant, without further authority.

Given under our hands and seals, at district, this day of our Lord 184.

Nº 12.

Form of Special Commissioners Assessments of Duties under Schedule (D.) of the Act 5 and 6 Vict. c. 35.

County of . , district of

Assessments of the duties under schedule (D.) of the Act 5 and 6 Vict. c. 35., made upon the several persons within mentioned, chargeable with the said duties within the parish of in the said district, for the Year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties, and allowed by the special commissioners of the property and income tax whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for

I the undersigned, surveyor of taxes acting in and for the district of aforesaid, do hereby certify, that in the foregoing assessments I have, pursuant to the Acts of Parliament in that behalf, computed and assessed upon the several persons within mentioned the duties with which, according to the best of my judgment, they are chargeable, under schedule (D.) of the Act 5 and 6 Vict. c. 35., for the year ending the 5th day of April 184

As witness my hand, this

day of

in

the year of our Lord 184 .

Surveyor of taxes.

We the undersigned, special commissioners of the property and income tax, do hereby, in pursuance of the Acts of Parliament in that behalf made and provided, make, sign, and allow the foregoing assessments of the duties payab e under schedule (D.) of the Act 5 and 6 Vict. c. 35., for the year ending the 5 day of April 184 .

Given under our hands and seals, this

day of

in the year of our Lord 184 .

(Special commissioners of the property and income tax.

Nº 13.

Form of Duplicate of Special Commissioners Assessments of Duties under Schedule (D.) of the Act 5 & 6 Vict. c. 35.

County of

, district of

A DUPLICATE of assessments of the duties under schedule (D.) of the Act 5 and 6 Vict. c. 35., made by the special commissioners of the property and income tax upon the several persons within mentioned, chargeable with the said duties within the parish of in the said district, pursuant to the Acts of Parliament relating to the said duties, for the year ending the 5th day of April 18

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for

We the undersigned, special commissioners of the property and income tax, do hereby make, sign, and allow the foregoing duplicate of the assessments of the duties payable under schedule (D.) of the Act 5 a amounting in the whole to the sum of

Given under our hands and seals, this

in the year of our Lord 184 .

Special co

Nº 14.

Form of Collectors Warrant to be annexed or subjoin Duplicate, Form Nº 13.

To and , collectors of after mentioned for the parish of , in the county of

Whereas by virtue and in pursuance of the several relating to the duties on profits arising from property, profifices, we the undersigned, special commissioners of the ptax, have made, executed, and allowed the foregoing dupl of the said duties payable under schedule (D.) of the Act for the year ending the 5th day of April 184, upon mentioned in the foregoing duplicate, within the parish of the said district.

Now we the said commissioners, &c. [Proceed as in Fowords "Now we the said commissioners" to the words hands."]

Given under our hands and seals, the of in the year of our Lord 184

Special of

Nº 15.

Form of Certificate of Assessments of Duties under Schen 5 & 6 Vict. c. 35. in respect of Public Offices, and thereof.

ASSESSMENTS of the duties under schedule (E.) of the A made upon the several officers of the department of pursuant to the Acts of Parliament relating to the said ending the 5th day of April 18 , duly certified upon of and allowed, according to the directions of the Acts of behalf, by the commissioners for offices for the said department of the acts of the said department of the said department of the acts of the said department of the said department of the said department of the said department of the said department of the said department of the acts of the said department of the acts of the said department of the acts of the said department of the acts of the acts of the said department of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts of the acts

[Set forth the particulars of the assessments in su form as the commissioners of stamps and taxes s purpose.]

We the undersigned, assessors appointed for making duties under schedule (E.) of the Act 5 & 6 Vict. c. 35. for , do hereby certify the foregoing ass duties for the said department; and we do make oath, that in the foregoing assessments we have charged and assessed ourselves and all other persons who are chargeable with the said duties within the said department, and that we have made our said assessments conformably to the provisions of the laws now in force, according to the best of our knowledge and belief.

Witness our hands, this

day of

in

the year of our Lord 184

Assessors.

We the undersigned, commissioners for offices for the department of . , do hereby, in pursuance of the Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices, sign and allow the foregoing assessments of the duties payable under schedule (E.) of the Act 5 & 6 Vict. c. 35. for the said department, for the year ending the 5th day of April 18 , the same having been duly verified before us by the abovenamed assessors, as directed by the Act of Parliament in that behalf made.

Given under our hands and seals, this

day of

in the year of our Lord 18

Commissioners for offices.

Nº 16.

Form of Additional First Assessments of the Duties of Assessed Taxes, and of the Allowance thereof.

County of

, district of

ADDITIONAL first assessments of the duties of assessed taxes made upon the several persons within mentioned, chargeable to the said duties within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties, in consequence of or arising from returns made by the parties, or consents given before the delivery of a notice of charge, or from omissions of the assessors, or from houses in which there are windows chargeable becoming occupied after the first assessments were signed, the same having been duly certified to the commissioners by the surveyor of the district.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of assessed taxes acting in and for the district and county aforesaid, do hereby sign and allow the foregoing additional first assessments of the said duties, amounting to the sum of

Given under our hands and seals, at

within the said

district, this

day of

in the year of our

Lord 184

Commissioners of assessed taxes.

Nº 17.

Form of Duplicate of Additional First Assessment Assessed Taxes.

County of

, district of

A DUPLICATE of additional first assessments of the made upon the several persons within mentioned, charg within the parish of in the said district the 5th day of April 184, pursuant to the Acts of Pasaid duties.

[Set forth the particulars of the assessments in form as the commissioners of stamps and t that purpose.]

We the undersigned, commissioners of assessed taxed district and county aforesaid, do hereby sign and allow of additional first assessments of the duties of assess the whole to the sum of

Given under our hands and seals, at district, this day of Lord 184 .

N 18.

, co.

Form of Collectors Warrant to be annexed or subjoint Duplicate, Form No 17.

To and assessed taxes for the parish of of , in the county of

Whereas by virtue and in pursuance of the powers several Acts of Parliament relating to the duties of undersigned, commissioners of assessed taxes acting i aforesaid in the county aforesaid, have signed and allow assessments of the said duties for the year ending the fi upon the several persons mentioned in the foregoing dup the same within the parish aforesaid, and have set our duplicate of the said additional first assessments, which with delivered unto you:

Now we the said commissioners, &c. [Proceed as in words, "Now we the said commissioners," to the

N 19.

Form of Additional First Assessments of Duties und (B.) of the Act 5 & 6 Vict. 35., and of the Allo

County of , district of

ADDITIONAL first assessments of the duties under the (A.) and (B.) of the Act 5 & 6 Vict. c. 35., made upon

within mentioned, chargeable to the said duties within the parish of in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties, by the commissioners whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting aforesaid, do hereby sign and allow in and for the district of the foregoing additional first assessments of the duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., amounting to , the several charges included therein having been the sum of duly certified to us by the surveyor of taxes for the said district.

Given under our hands and seals, at district, this day of

within the said in the year of our

Lord 184

Commissioners of the property and income tax.

Nº 20.

Form of Duplicate of Additional First Assessments of Duties under Schedules (A.) and (B.) of the Act 5 & 6 Vict. c 35.

County of , district of

A DUPLICATE of the additional first assessments of the duties under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., made upon the several persons within mentioned, chargeable to the said duties within the in the said district, pursuant to the Acts of Parliaparish of ment relating to the said duties, for the year ending the 5th day of April 18 to be and remain in force for the space of years, ending on the 5th day of April 184

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting aforesaid, do hereby sign and allow in and for the district of the foregoing duplicate of the additional first assessments of the duties payable under the respective schedules (A) and (B) of the Act 5 & 6 Vict. c. 35., amounting in the whole to the sum of

Given under our hands and seals, at district, this

within the said in the year of our

Lord 18

Commissioners of the property and income tax.

Nº 21.

Form of Collectors Warrant to be annexed or subjective Duplicate, Form No 20.

To and , collectors of mentioned for the parish of , in the country of .

Whereas by virtue and in pursuance of the power several Acts of Parliament relating to the duties property, professions, trades, and offices, we the under the property and income tax acting in and for the county aforesaid, have signed and allowed the fore additional first assessments of the said duties payak schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35 several persons mentioned in the foregoing duplie of aforesaid, for the year ending the to be and remain in force for the space of 5th day of April 184:

Now we the said commissioners, &c. [Proceed as words "Now we the said Commissioners," to t

Nº 22.

Form of Certificate of Additional First Assessments of (D.) of the Act 5 & 6 Vict. c. 35., and of the Act of County of , district of

ADDITIONAL first assessments of the duties under Act 5 & 6 Vict. c. 35., made upon the several personageable with the said duties within the parish of said district, for the year ending the 5th day of April Acts of Parliament relating to the said duties, by the names are signed at the end hereof.

[Set forth the particulars of the assessments in form as the commissioners of stamps and that purpose.]

We the undersigned, additional commissioners of the tax acting in and for the district of pursuance of the Acts relating to the duties on profits professions, trades, and offices, certify the foregoing adof the duties payable under schedule (D.) of the Act 5 parish of amounting to the sum of

Given under our hands and seals, at district, this day of Lord 184

Addition

The foregoing certificate of additional first assessment to us the undersigned, commissioners of the property in and for the district aforesaid, and all appeals against the same having been heard and determined, we do hereby allow and confirm the said assessments.

Given under our hands and seals, at district, this day of

within the said

Lord 184 .

in the year of our

Commissioners of the property and income tax-

Nº 23.

Form of Additional First Assessments of Duties under Schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of

, district of

ADDITIONAL first assessments of the duties under schedule (E.) of the Act 5 & 6Vict. c. 35., made upon the several persons within mentioned, chargeable with the said duties within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties, by the commissioners of the property and income tax whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby, in pursuance of the Acts of Parliament in that behalf made and provided, sign and allow the foregoing additional first assessments of the duties payable under schedule (E.) of the Act 5 & 6 Vict. c. 35., amounting to the sum of , the several charges included therein having been duly certified to us by the surveyor of taxes for the said district.

Given under our hands and seals, at

s, at within the said day of in the year of our.

district, this Lord 184 .

Commissioners of the property and income tax.

Nº 24.

Form of Duplicate of Additional First Assessments of Duties under Schedules
(D.) and (E.) of the Act 5 & 6 Vict. c. 35.

County of

, district of

A DUPLICATE of the additional first assessments of the duties under the respective schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35., made upon the several persons within mentioned, chargeable to the said duties within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow

the foregoing duplicate of the additional first assessment under the respective schedules (D.) and (E.) of the amounting in the whole to the sum of

Given under our hands and seals, at district, this day of Lord 184 .

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N 25.

Form of Collectors Warrant to be annexed or subjoint Duplicate, Form No 24.

To and , collectors of mentioned for the parish of in the county of , in the

Whereas by virtue and in pursuance of the powers several Acts of Parliament relating to the duties on property, professions, trades, and offices, we the undersigned property and income tax acting in and for the district aforesaid, have signed and allowed the foregoing duplifirst assessments of the said duties payable under the reand (E.) of the Act 5 & 6 Vict. c. 35., and charged upmentioned in the foregoing duplicate, within the parish in the said district and county, for the year ending the

Now we the said commissioners, &c. [Proceed as in words "Now we the said commissioners" to the end the

N 26.

Form of Supplementary Assessments of the Duties and of the Allowance thereof.

County of , district of

SUPPLEMENTARY assessments of the duties of assesses the several persons within mentioned, within the parish the said district, for the year ending the 5th day of Ap the several Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary tabular or other form as the commissioners of a provide for that purpose.]

We the undersigned, commissioners of assessed taxes district and county aforesaid, do hereby, in pursuance ment relating to the duties of assessed taxes, sign an supplementary assessments of the said duties, amountir sum of , conformably to the directions of the

Given under our hands and seals, at district, this day of Lord 184 .

Nº 27.

Form of Duplicate of Supplementary Assessments of the Duties of A ssessed Taxes.

County of

, district of

A DUPLICATE of supplementary assessments of the duties of assessed taxes charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the several Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of assessed taxes acting in and for the district and county aforesaid, do hereby, in pursuance of the Acts of Parliament relating to the duties of assessed taxes, sign and allow and confirm the foregoing supplementary assessments of the said duties, amounting in the , conformably to the directions of the said Acts. whole to the sum of

Given under our hands and seals, at

within the said in the year of our

district, this Lord 184 .

day of

Commissioners of assessed taxes.

Nº 28.

Form of Collectors Warrant to be annexed or subjoined to the foregoing Duplicate, Form Nº 27.

To

and

, collectors of the duties of assessed

, in the district of

taxes for the parish of

in the county of

WHEREAS by virtue and in pursuance of the powers and authorities of the several Acts of Parliament relating to the duties of assessed taxes, we the undersigned, commissioners of assessed taxes acting in and for the district aforesaid in the county aforesaid, have made and executed the supplementary assessments, for the year ending the 5th day of April 184, of the said duties charged upon the several persons mentioned in the foregoing duplicate within the parish aforesaid, and have set our hands and seals to the foregoing duplicate of the said supplementary assessments, which said duplicate is herewith delivered unto you:

Now we the said commissioners, &c. [Proceed as in Form No 4., from the words " Now we the said commissioners" to the end thereof.]

Nº 29.

Form of Supplementary Assessments of Duties under Schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of

, district of

SUPPLEMENTARY assessments of duties under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the year ending the 5th day of April 184, pursuant to the relating to the said duties.

[Set forth the particulars of the supplementary tabular or other form as the commissioners of s

provide for that purpose.]

We the undersigned, commissioners of the property a in and for the district of aforesaid, do the foregoing supplementary assessments of duties, amout the sum of , conformably to the directions Parliament relating to the duties on profits arising from trades, and offices.

Given under our hands and seals, at district, this day of Lord 184.

{ pro

N 30.

Form of Duplicate of Supplementary Assessments Schedules (A.) and (B.) of the Act 5 & 6 Vi

County of

, district of

A DUPLICATE of supplementary assessments of duties schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., char persons within mentioned, within the parish of for the year ending the 5th day of April 184 , pursuant ment relating to the said duties.

[Set forth the particulars of the supplementary tabular or other form as the commissioners of steprovide for that purpose.]

We the undersigned, commissioners of the property are in and for the district of aforesaid, do he the Acts of Parliament relating to the duties on profits a professions, trades, and offices, sign and allow and confirm cate of the supplementary assessments of duties, amount the sum of

Given under our hands and seals, at district, this day of Lord 184.

{ Co

Nº 31.

Form of Collectors Warrant to be annexed or subjoined Duplicate, Form No 30.

o and , collectors of the mentioned for the parish of , in the distribution in the county of .

WHEREAS by virtue and in pursuance of the several relating to the duties on profits arising from property, pro

offices, we the undersigned, commissioners of the property and income tax acting in and for the district aforesaid in the county aforesaid, have made and executed the supplementary assessments, for the year ending the 5th day of April 184, of the said duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons mentioned in the foregoing duplicate, within the parish of , and have set our hands and seals to the foregoing duplicate of the said supplementary assessments:

Now we the said commissioners, &c. [Proceed as in Form No 7., from the words "Now we the said commissioners" to the end thereof.]

Nº 32.

Form of Supplementary Assessments of Duties under Schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of , district of

SUPPLEMENTARY assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing supplementary assessments of duties, amounting in the whole to the sum of , conformably to the directions of the several Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices.

Given under our hands and seals, at district, this day of

within the said in the year of our

Lord 184 .

Commissioners of the property and income tax.

N 33.

Form of Supplementary Assessments of Duties under Schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of

, district of

SUPPLEMENTARY assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 18, pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow

mentioned, within the parish of in the year ending the 5th day of April 184, pursuant to the relating to the said duties.

[Set forth the particulars of the supplementary a tabular or other form as the commissioners of star provide for that purpose.]

We the undersigned, commissioners of the property and in and for the district of aforesaid, do he the foregoing supplementary assessments of duties, amount the sum of , conformably to the directions of Parliament relating to the duties on profits arising from partial trades, and offices.

Given under our hands and seals, at district, this day of Lord 184 .

{ prope

N 30.

Form of Duplicate of Supplementary Assessments of Schedules (A.) and (B.) of the Act 5 & 6 Vict. County of , district of

A DUPLICATE of supplementary assessments of duties use schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charge persons within mentioned, within the parish of for the year ending the 5th day of April 184, pursuant to ment relating to the said duties.

[Set forth the particulars of the supplementary as tabular or other form as the commissioners of stam provide for that purpose.]

We the undersigned, commissioners of the property and in and for the district of aforesaid, do herel the Acts of Parliament relating to the duties on profits aris professions, trades, and offices, sign and allow and confirm the cate of the supplementary assessments of duties, amounting the sum of

Given under our hands and seals, at district, this day of Lord 184 .

{ Comm property

Nº 31.

Form of Collectors Warrant to be annexed or subjoined to Duplicate, Form No 30.

To and mentioned for the parish of in the county of , collectors of the d

WHEREAS by virtue and in pursuance of the several Acrelating to the duties on profits arising from property, profes

offices, we the undersigned, commissioners of the property and income tax acting in and for the district aforesaid in the county aforesaid, have made and executed the supplementary assessments, for the year ending the 5th day of April 184, of the said duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons mentioned in the foregoing duplicate, within the parish of , and have set our hands and seals to the foregoing duplicate of the said supplementary assessments:

Now we the said commissioners, &c. [Proceed as in Form No 7., from the words "Now we the said commissioners" to the end thereof.]

Nº 32.

Form of Supplementary Assessments of Duties under Schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of

, district of

SUPPLEMENTARY assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 184, pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing supplementary assessments of duties, amounting in the whole to the sum of , conformably to the directions of the several Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices.

Given under our hands and seals, at district, this day of Lord 184.

within the said in the year of our

Commissioners of the property and income tax.

N 33.

Form of Supplementary Assessments of Duties under Schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

SUPPLEMENTARY assessments of duties under schedule (E.) of the Act
5 & 6 Vict. c. 35., charged upon the parish of
5th day of April 18, pursuan duties.

[Set forth the particula tabular or other form.]

Supplementary assessments in such assistances of stamps and taxes shall

tabular or other form

Provide for that purpo

We the undersigned, commi
in and for the district of

he property and income tax acting aforesaid, do hereby sign and allow

the foregoing supplementary assessments of duties, amount the sum of a conformably to the direction of Parliament relating to the duties on profits arising from trades, and offices.

Given under our hands and seals, at district, this day of Lord 184.

{ pr

Nº 34.

Form of Duplicate of Supplementary Assessments of L (D.) and (E.) of the Act 5 & 6 Vict. c.

County of

, district of

A DUPLICATE of supplementary assessments of duties schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35., che persons within mentioned, within the parish of district, for the year ending the 5th day of April 184, of Parliament relating to the said duties.

[Set forth the particulars of the supplementary tabular or other form as the commissioners of supprovide for that purpose.]

We the undersigned, commissioners of the property in and for the district of aforesaid, do It the Acts of Parliament relating to the duties on profits professions, trades, and offices, sign and allow and of duplicate of the supplementary assessments of duties, and to the sum of

Given under our hands and seals, at district, this day of Lord 184.

f pr

Nº 35.

Form of Collectors Warrant to be annexed or subjoing Duplicate, Form No 34.

To and , collectors after mentioned for the parish of of , in the county of

Whereas by virtue and in pursuance of the several relating to the duties on profits arising from property, p offices, we the undersigned, commissioners of the projecting in and for the district aforesaid, have made and mentary assessments, for the year ending the 5th day of A duties payable under the respective schedules (D.) 5 & 6 Vict. c. 35., charged upon the several persons m

going duplicate, within the parish of aforesaid, and have set our hands and seals to the foregoing duplicate of the said supplementary assessments:

Now we the said commissioners, &c. [Proceed as in Form No 11., from the words "Now we the said commissioners" to the end thereof.]

Nº 36.

Form of Appointment of Assessors for making a Re-assessment of Duties, pursuant to the Act 43 Geo. 3. c. 161. s. 56., or the Act 5 & 6 Vict. c. 35. s. 174., on the Default or Failure of the Collector.

To and , assessors of the duties of assessed taxes [or assessors of the duties on profits arising from property, professions, trades, and offices, as the case may be,] for the parish of , in the district of , in the county of .

Whereas an arrear of the duties of assessed taxes [or of the duties chargeable under the schedule or respective schedules (A.) and (B.), as the case may be, of the Act 5 & 6 Vict. c. 35., for granting to her Majesty duties on profits arising from property, professions, trades, and offices,] for the year ending the 5th day of April 18, amounting to the sum of , has arisen in the parish of aforesaid, by the default [or neglect or failure] of collector of the said duties for the said parish, we the undersigned, being commissioners of assessed taxes [or of the property and income tax] acting in and for the said district, do hereby, by virtue of the Acts of Parliament enabling us in this behalf, appoint you the above-named assessors for making a re-assessment within and upon the said parish, for raising the said arrear; and we do hereby strictly enjoin and require you and each of you to make a re-assessment within and upon the said parish, by charging the said sum of on the amount of the assessment for the said parish made for the said duties for the year ending the 5th day of April 18, by duly apportioning the amount of such arrear amongst the several persons assessed in the said last-mentioned assessment to the same duties respectively, according to each person's assessment thereof, as nearly as the case will admit; and in making the said re-assessment you are to pursue the like methods, rules, and directions by which the original assessment was reade of the same duties. Hereof you will not fail, as you and each of you will answer the contrary at your peril.

Given under our hands and seals, at district, this day of

within the said in the year of our

Lord 18 .

Commissioners of assessed taxes [or of the property and income tax].

N° 37.

, district of

Form of Certificate of Re-assessment under the Act 43 Geo. 3. c. 161. s. 56., or the Act 5 & 6 Vict. c. 35. s. 174., and of the Allowance thereof.

County of

A RE-ASSESSMENT of the duties of assessed taxes [or of the duties chargeable under the schedule or respective schedules (A.) and (B.), as the case may be, of

VOL. IX.

the Act 5 & 6 Vict. c. 35., for granting to her Majesty defrom property, professions, trades, and offices,] made up chargeable with the said duties within the parish of said district, pursuant to the several Acts of Parliameraising the sum of a being the amount of duties which has arisen within the said parish for the year of April 18, by the default [or neglect or failure] of the said duties for the said parish, for the said year duly verified upon oath by the assessors, and allow directions of the said Acts of Parliament, by the commutates [or of the property and income tax] acting for the names are signed at the end hereof.

[Set forth the particulars of the re-assessment in form as the commissioners of stamps and taxes . purpose.]

We the undersigned, assessors appointed for making tement of the duties of assessed taxes [or of the duties schedule or respective schedules (A.) and (B.), as the considerable of the foregoing re-assessment of the said duties, and do not that we have charged and assessed ourselves and all chargeable with the said re-assessment, and that we have the provisions of the laws now in best of our knowledge and belief.

Witness our hands, this of our Lord 18 .

day of

We the undersigned, commissioners of assessed tax

aforesaid, do hereby sign and allow the foregoing re-as of assessed taxes [or as the case may be], amounting to the the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before us by the about the same having been duly verified before the same having been duly verified before us by the about the same having been duly verified before the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the same than the

and income tax, as the case may be,] acting for the dist

Given under our hands and seals at

this

day of

in the y Commissioner

Note.—This form may be adapted and applied under the schedule (D.) of the Act 5 & 6 Vict. c.

Nº 38.

Form of Duplicate of Re-assessment, under the Act 43 5 & 6 Vict. c. 35. s. 174.

County of

, district of

A DUPLICATE of the re-assessment of the duties of asseduties chargeable under the schedule or respective schedus as the case may be, of the Act 5 & 6 Vict. c. 35., for graduties on profits arising from property, professions, tra

nonpayment thereof, to distrain for the same according the said Acts, by virtue of this our warrant, without fu Given under our hands and seals, at district, the day of Commissio) [or of the pro Nº 40. Form of Assessors Appointment for making an Asses Acts 43 Geo. 3. c. 99. s. 70. and c. 161. s. 86., to dej the Commissioners in Actions at Law. , assessors of the [or of the duties on profits arising from prop and offices, as the case may be,] for the parish o district of , in the county of WHEREAS certain costs and charges amounting to th have been incurred in an action [or suit] commence commissioners of assessed taxes [or of the property and and for the district of in the county against the collectors of the parish of the case may be, against [or by] one E.F., and which commenced [or defended] by the said commissioner powers given to them by the Acts of Parliament undersigned, being commissioners of assessed taxes [c income tax] acting in and for the said district, do h Acts of Parliament enabling us in this behalf, appoint assessors for for defraying the said sum of ; ar enjoin and require you and each of you to make an upon the parish of aforesaid, by cha in a just proportion to the amount taxes [or of the duties on profits arising from prope

and offices,] assessed on the respective persons chargea assessment of the said duties for the said parish made: 5th day of April 18 , and in making the said assessm the like rules, methods, and directions by which the a

duties were made for the said parish. Hereof you w

each of you will answer the contrary at your peril. Given under our hands and seals, at district, the day of Lord 184

> Commissio l [or of the pr

profits arising from property, professions, trades, and offices, as the case may be,] within the parish of in the said district, for defraying the sum of , being the amount of certain costs and charges incurred in an action [or suit] commenced by [or against] the commissioners of assessed taxes [or of the property and income tax] acting in and for the said district [or against the collector of the said duties for the said parish] against [or by] one E.F., and which action [or suit] was commenced [or defended] by the said commissioners in pursuance of the powers given to them by the Acts in that behalf.

[Set forth the particulars of the assessment in such tabular or other form as the commissioners of stamps and taxes shall provide for the purpose.]

We the undersigned, commissioners of assessed taxes [or of the property and income tax, as the case may be,] acting in and for the district of aforesaid, do hereby sign and allow the foregoing duplicate of assessment amounting to the sum of

Given under our hands and seals, at district, this day of Lord 184.

in the year of ou

Commissioners of assessed taxes [or of the property and income tax]

Nº 43.

Form of Collectors Appointment and Warrant to be annexed or subjoined to the foregoing Duplicate of Assessment, Form No 42.

To and , collectors of the duties of assessed taxes [or of the duties on profits arising from property, profession trades, and offices,] for the parish of , in the distriction , in the county of

Whereas we the undersigned, commissioners of assessed taxes [or of the property and income tax] acting in and for the district of aforesaid, have, by virtue of the Acts of Parliament relating to the duties assessed taxes, [or the duties on profits arising from property, profession trades, and offices,] made and executed, upon the several persons chargeab with the duties of assessed taxes [or the duties on profits arising from propert professions, trades, and offices,] within the parish of assessment for defraying the sum of , being the amount certain costs and charges incurred in an action [or suit] commenced by [against] the commissioners of assessed taxes [or of the property and incom tax] for the said district [or against the collector of the said duties for the parish aforesaid], against [or by] one E.F., which said action [or suit] we commenced [or defended] by the said commissioners in pursuance of the powers given to them by the said Acts; and we have set our hands and sea to the duplicate of the said assessment, which is herewith delivered un

Now we the said commissioners do hereby nominate and appoint you the above-named and collectors thereof, and collectors thereof, and collectors thereby enjoin and strictly require you or either of you the said collectors.

Nº 46.

Form of Allowance by the Commissioners of Surveyor
Form No 44.

THE foregoing certificate of charges of the duties been presented to us the undersigned, commissioner in and for the district of in the count oath having been made that a notice of charge has be person mentioned in the said certificate as the party statute in that behalf, we the said commissioners certificate.

Witness our hands, the our Lord 18 . day of

Nº 47.

Form of Surveyor's Certificate of Charges of the I from Property, Professions, Trades, and Og Assessment.

A CERTIFICATE of charges of the duties on profiprofessions, trades, and offices, for the year ending the made pursuant to the statutes in that behalf by taxes acting for the district of in the and presented to the commissioners of the property and for the said district [or the commissioners for ment of].

[Here set forth, in such tabular or other form the purpose, the names of the several par parishes or places in which they ought to be lars, and the amount of the charges, and dat of charge.]

I , surveyor of taxes acting for the in the county of , do hereby certify to property and income tax acting within and for the missioners for offices for the department of charges of the duties payable under the Act 5 and ending the fifth day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 , made by me to the charges of the day of April 18 .

before mentioned, pursuant to the statutes in that be

Witness my hand, this of our Lord 184 .

Nº 48.

day of

Form of Oath of Service of Notices of Charge to be Certificate, Form N° 47.

I , of , do swear, tha duly served upon each person mentioned in the ab And we do further certify, that the said A.B. hath left unpaid the sum of in respect of the said duties so charged and assessed a aforesaid, which became due and payable on the day of and the said last-mentioned sum is now in arrear.

And we the undersigned commissioners do request you the said commissioners of assessed taxes acting within and for the parish of aforesaid to raise and levy the said sum of so charged and assess upon and left unpaid by the said A.B., and now in arrear as aforesaid, and cause the same to be paid and applied according to the directions of the several Acts of Parliament for raising the said duties.

Given under our hands and seals, at of , this

day of

in the year of Commissioners of assessed taxes.

in the said district

Nº 51.

Form of Warrant to be annexed or subjoined to the foregoing Certificals, Form No 50.

To and taxes for the parish of in the county of

our Lord 184

, collectors of the duties of assessed

WE the undersigned, commissioners of assessed taxes acting we the parish of , in the district of , in

, do hereby authorize and require you, the collectors, or either of you, to make due demand of and from A. named in the foregoing certificate, of payment of the sum of respect of the duties of assessed taxes charged and assessed u unpaid by him, as in the said certificate is mentioned; and if he empower and require you or either of you to distrain for the sate to the directions of the statute in that behalf, by virtue of this without further authority; and upon receipt of the said sum of part thereof we hereby direct and enjoin you to pay over the receiving officer for the county of the said sum of of assessed taxes for the said parish of the said parish of the said sum of your sufficient authority.

Given under our hands and seals, at

of , this Lord 18 .

in the said district in the year of our

Commissioners of assessed taxes.

Nº 52.

Form of Certificate under the Act 5 and 6 Vict. c. 35. s. 177., as to Duties in arrear.

To the commissioners of the property and income tax acting within any for the district of , in the county of

day of

WE the undersigned, commissioners of the property and income tax actin within and for the district of , in the county of , d

upon him, as in the said certificate is mentioned; and if he shall refus to pay the same upon such demand being made, then we hereby en
require you or either of you to distrain for the same, according t
tions of the statute in that behalf, by virtue of this our warra
further authority; and upon receipt of the said sum of money thereof we hereby direct and enjoin you to pay over the same to the
officer for the county of , to the account of the colle
said duties for the parish of , for which this sh sufficient authority.

Given under our hands and seals, at
of , this day of
our Lord 18 .

{ Commissioner property and in

in the sa

in '

Nº 54.

Form of Certificate under the Act 5 and 6 Vict. c. 35. s. 155., as to arrear.

To the commissioners of the property and income tax acting to for the district of , in the county of

WE the undersigned, commissioners for offices for the depa , do hereby certify, that in and by the first [or first, or supplementary, as the case may be,] assessments of the duti under schedule (E.) of the Act 5 and 6 Vict. c. 35. for the said do of , for the year ending the fifth day of April 1 now residing in the parish of , in the district of aforesaid, hath been duly charged and assessed for the under-mention (that is to say,)

[Here specify the particulars of the assessment.]

Total - £

And we do further certify, that there is now due and owing from

A.B. the sum of in respect of the said duties so che
assessed as aforesaid, which became due and payable on the
day of

And we the undersigned commissioners do request you the said sioners of the property and income tax acting within and for the said of to raise and levy the said sum of charged and assessed upon the said A.B., and to cause the same to be applied according to the directions of the several Acts of Parlie

raising the said duties.

Given under our hands and seals, this

184 .

Commission of

making default in payment of the land tax may also be returned, pursuant to the Act 4 and 5 Will. 4. c. 60., s. 7., in the same schedule with those of the defaulters to the assessed taxes; and in that case the foregoing Form N° 56, and the following Forms, severally numbered 57, 58, and 62, may be used, with such alterations therein and additions thereto as may be necessary to adapt them to the occasion.

Nº 57.

Form of Collector's Affidavit to be subjoined to the foregoing Schedule, Form No 56.

I , of , collector of the duties of assessed taxes for the parish of , in the division of , in the county of , do make oath and say, that the several sums of money contained in the foregoing schedule, and set against the names of the several persons therein mentioned, have been demanded from and are due and wholly unpaid from the respective persons charged therewith, either to me or to any other person or persons for me, to the best of my knowledge and belief.

Collector of assessed taxes.

Sworn before me, the receiving officer of the land and assessed taxes for the county of , the day

Nº 58.

Form of Collector's Affidavit to be subjoined to the Forms N° 56 and 57, and to be made after the Schedule has remained with the Commissioners of the Division for the Space of Forty Days, as directed by the Act 48 Geo. 3, c. 141., N.° V., Rule 2^d.

in pursuance of and according to the directions given to me by the commissioners of assessed taxes acting for the above-named division I gave notice, on or before the day of to each and every of the persons whose names are contained in the foregoing schedule, that the name of each such person was returned in a schedule to the said commissioners as having made default in payment of the sums of money set against their respective names; and that the several sums of money for which the several persons whose names are contained in the said schedule as now remaining in default, and to whom such notices were delivered, are still due and unpaid from the said several persons respectively, either to me or to any person or persons for me, to the best of my knowledge and belief.

Collector of assessed taxes.

, in the

Sworn at county of 18, before me, , in the division of , the

day of

A commissioner of assessed taxes.

Nº 61.

Form of Collector's Affidavit, to be subjoined to Form be made after the Schedule has remained with the District for the Space of Forty Days, as directe c. 141., No V., Rule 2^a.

pursuance of and according to the directions given to notice, on or before the day of every of the persons whose names are contained in the the name of each such person was returned in a schedule sioners as having made default in payment of the sum their respective names; and that the several sums of more persons whose names are contained in the said schedule default, and to whom such notices were delivered, are from the said several persons respectively, either to no persons for me, to the best of my knowledge and belief

Sworn at , in the district of of , this day of before me,

{ A coproper

Nº 62.

Form of Receiving Officer's Certificate, certifying the Defaulters, Forms N° 56 and 59, to the Court of E the Acts 48 Geo. 3. c. 141., N° V., Rule 2nd, and s. 32.

In the Exchequer.

To the right honourable

lord chief baron of her Majesty's Court of Excland to the honourable the rest of the barons of

I , of , in the county of officer of the duties of land and assessed taxes [or of arising from property, professions, trades, and office do hereby humbly certify to the bar

, do hereby humbly certify to the bar court, in pursuance of the statutes in this behalf made my receipt, held after the day of

I received of and from the collector of the duties aforesa en the several persons chargeable within the parish of division of , in the said county, for

day of 18, the schee signed by the said collector, and containing the christia and every person who made default in the payment of

money specified in the said schedule, which had been

And I the said receiving officer, in pursuance of the behalf, do hereby further humbly certify to this honour schedule hereunto subjoined doth also contain the nalectors in default as aforesaid, and of the several paris default has been made as aforesaid, and the divisions happened, and the amounts of the several duties which accounted for by the said collectors respectively, to the and as I verily believe.

Given under my hand, this year of our Lord 184 .

day

Witness,

Schedule to which the foregoing certificate doth reference of collectors who have not paid or duly account schedules of defaulters for the full amount of the first of the duties of assessed taxes [or the duties of property, professions, trades, and offices,] for the year April 184.

Division,	Times and Places appointed within and for each Division for the Payment of the Duties above described.	Parishes and Places.	Collectors' Names.	

N° 64.

Form of Certificate to be made by Two Commissioners for Enrolment in the Office of Her Majesty's Rem of Exchequer, pursuant to the Act 5 and 6 Will.

In the Exchequer.

To the right honourable

WE.

Majesty's Court of Exchequer at Westminster, the rest of the barons of the same court.

the commissioners of stamps and taxes, do hereby barons of this honourable court, in pursuance of an year of the reign of King William the Fourth, intituled "certain offices in the collection of the revenues of st "amend the laws relating thereto," that the several co assessed taxes [or of the duties on profits arising fro

trades, and offices,] for the several parishes, wards, and forth in the schedule hereunto annexed, within the cou have made default in payment of the several sums schedule, and set opposite to the names of such parishes.

schedule, and set opposite to the names of such pari and to the names of such collectors for the same respec

the above-named collectors to make demand of the sever the said schedule, and contained in the said assessme charged therewith, or at the places of their last about charged with the assessment, as the case may require thereof to give acquittances under your hands unto the shall pay the same; and if any person or persons shall refusume charged upon him, her, or them, upon demand duly of you, then we hereby enjoin and strictly require your nonpayment thereof, to distrain for the same, according the said Acts, by virtue of this our warrant, and that amount and particulars of the several sums received by you day of now next, at the usual place of meeting in the said district.

Given under our hands and seals, at the day of

in the year Commissioner [or of the prop

Nº 66.

Form of Return to be made by Collectors under the A of Arrears of Duties which cannot be recovered

A SCHEDULE made by me the undersigned collector of the duties of assessed taxes [or of the duties property, professions, trades, and offices,] for the parision district of the county of names, surnames, and places of abode of every person and sums of money in the assessments made by virtual the said duties, within and for the said parish of ending the fifth day of April 18, who have made the several duties and sums of money set opposite the and charged upon them respectively in the said asset I have not been able to collect or receive such duties the causes herein mentioned.

[Set forth, in such tabular or other form as the and taxes shall provide for the purpose, the and places of abode of the defaulters, with the and sums of money charged upon them resperses on for returning each defaulter.]

Given under my hand, this

Given under my hand, this year of our Lord 184 .

Nº 67.

Form of Oath to be made by the Collectors, and Schedule, Form No 66.

I collector of to collector of to collector of the duties on profits arising from proper

" taxes, and for amending the same," by the commi-[or of the property and income tax] acting in and for , containing the in the county of charged with duties and sums of money in the asses the Acts relating to the duties of assessed taxes [o arising from property, professions, trades, and offi in the said district, for the parish of , and whose names have been retu of April 184 sioners by , collector of the said dut persons who have made default in payment of the se money set opposite to their respective names, respectively in the said assessments, and from whom been able to collect or receive such duties and sums herein mentioned, and which have been duly verifie collector.

[Set forth, in such tabular or other form as the and taxes shall provide for the purpose, the with the particulars of the duties and sums them respectively, and the particular reason for returning each defaulter.]

Given under the hands and seals of us the unders sioners of assessed taxes [or of the property and inc the district aforesaid, at with

day of

in the year

Commission

[or of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle of the particle o

Nº 69.

Form of Revocation of the Appointment of a Coll another Collector in his Stead, under the Act 4

Γο , one of the inhabitants of t in the district of , in the co

WHEREAS, by virtue and in pursuance of the poseveral Acts of Parliament relating to the duties of duties on profits arising from property, profes

and , two of the taxes [or of the property and income tax] acting it said, did, by their precept bearing date the nominate and appoint and the said duties for the parish aforesaid for the year April 184: And whereas wilful delay and demanding, receiving, and recovering and paying and duties charged and assessed on the several p said sums of money and duties within the said pathrough the default and neglect of the said

Now we the undersigned, two of the commission the property and income tax] acting in and for the

of the said duties:

in the said county of , and to deliver his and we do hereby command you the said keeper to into your custody in the said gaol, and there to de payment shall be made of the aforesaid sum of mone otherwise discharged by due course of law; and we do you the said constable to seize and secure the estate, hold, and all other estate, both real and personal, of helonging, wheresoever the same can be discovered said C.D. shall not pay or satisfy the said sum of mor according to the directions of the said several Acts, y notice to us, that we may proceed further as the law this shall be to you and each of you a sufficient warranteed.

Given under our hands and seals, at this day of

Lord 18

Commissi

Nº 71.

Form of a Warrant to sell a Collector's Estate seiz Warrant, Form No 70.

To , of

WHEREAS by a certain warrant, bearing date the of in the year of our Lord 18, us of and, two of the contact taxes [or of the property and income tax, as the case district of, in the county of of, &c., a collector of the duties of assessed taxes [or the parish of in the said district, had as su received from divers persons within the said parish the in respect of the said duties, and that the said C.D. In to pay the said sum of money according to the direct of Parliament in that behalf, and that he had detain

subscribed and set to the said warrant did thereby co constable of in the said county, to se as well freehold as copyhold, and all other estate, bo the said C.D., to him belonging, wheresoever the same found:

the same in his hands, the said commissioners who

And whereas by virtue and in pursuance of the s estates, goods, and chattels belonging to the said C. cularized in the schedule or inventory hereunder written have been seized and secured:

And whereas and said, did, in pursuance of the statute in that behalf, a day of , at for a meeting of the commissioners of assessed taxes

income tax] for the said district, and did cause publi

possession of the heirs, executors, administrators, or wheresoever the same can be discovered and found; of money shall not be paid or satisfied, as ought to directions of the said several Acts, you are forthwith we may proceed further as the law directs; and for be to you a sufficient warrant.

Given under our hands and seals, at day of Lord 184

> Commiss or of the

Nº 73.

Form of a Warrant to sell a deceased Collector's foregoing Warrant, Form No.

To , of

WHEREAS by a certain warrant, bearing date the of in the year of our Lord 18 , 1 , two of the commi [or of the property and income tax, as the case may , in the county of dc., a collector of the duties of assessed taxes [or as parish of in the said district, but now mentioned, had as such collector collected and recei within the said parish the sum of and that the said C.D. had neglected [or did in his li said sum of money, according to the directions of the ment in that behalf, and that he had detained the sam the said C.D. departed this life on the day having paid the said sum of money, according to th Acts, the said commissioners, whose hands and seals the said warrant, did thereby command one

in the said county, to seize and secure hold as copyhold, and all other estate, both real and p to him belonging at the time of his death, or which descended or come into the hands or possession of the istrators, or assigns of the said C.D., wheresoever the s and found:

And whereas by virtue and in pursuance of the s estates, goods, and chattels belonging to the said C.D., larized in the schedule or inventory hereunder written have been seized and secured:

And whereas and did, in pursuance of the statute in that behalf, appoint in the said distr day of commissioners of assessed taxes [or of the property a said district, and did cause public notice to be given

in the said district, at of the clock in said day; and we do hereby give notice, that if the sa and owing from the said collector be not paid or satisf according to the directions of the Acts in that be present at such meeting, or the major part of them, wi said estates, goods, and chattels, to satisfy and pay the

Given under our hands, this year of our Lord 18 .

 $\begin{cases} & \text{Commissione} \\ [or \text{ of the prop}] \end{cases}$

Nº 75.

Form of a Deed of Conveyance and Assignment of a under the Act 3 Geo. 4. c. 88. s.

This indenture, made the day of our Lord 18, between and commissioners of assessed taxes [or of the property and and for the district of , in the county of first part, and of the second part:

Whereas by a certain warrant, bearing date the in the year of our Lord 18, under the hands and se and, two of the commissioners of as property and income tax, as the case may be,] accomplete in the country of the country of the duties of assessed taxes [or as the case]

a collector of the duties of assessed taxes [or as the case of in the said district, had as such received from divers persons within the said parish the in respect of the said duties, and that the said C.D. had to pay the said sum of money according to the direct of Parliament in that behalf, and that he had detained the same in his hands, the said commissioners whose subscribed and set to the said warrant did thereby come constable of in the said county, to seiz as well freehold as copyhold, and all other estate, both

the above recital should be according to the warrant is And whereas by virtue and in pursuance of the said ments [or premises, term of years, or property, as the ca mentioned, belonging to the said C.D., have been seized

the said C.D., to him belonging, wheresoever the same found: [If the warrant was issued against the estate

And whereas a meeting of the said commissioners of the property and income tax] acting for the said district in the said district, on the day of public notice, given in conformity with the directions behalf, of the time and place of holding such meeting money so due and owing from the said C.D. not being

ought to be done, according to the directions of the Act behalf, the major part of the said commissioners presen

and that he hath refused and neglected to pay the sai that he hath refused and neglected to pay the sum of ,] and that the same now said sum of

And whereas it further appears by the oath afore chattels, liable by law to be distrained for the said d as aforesaid, are lying and being in a certain house, • of , in the district and county afores of

These are therefore to authorize and require you the and either of you, calling to your assistance the headborough within and for the parish of presence of the said constable, tythingman, or entrance into the said house, and in case of resistant open the same, to break open in the daytime the s same, and to distrain therein the said goods and there found to keep by the space of four days, at the said A.B.; and if the whole of the said sum of the said costs and charges, be not paid within the said distress, having been first duly valued and inhabitants of the said parish of to be sold by you, and the overplus, if any, of th sale, after paying and deducting the said sum of and charges of taking, keeping, and selling the said the owner thereof.

Given under our hands and seals, at district, this day of Lord 18

> Commis [or of the

Nº 77.

Form of Warrant under the Act 43 Geo. 3. c. 99. a House for the Purpose of levying a Distress Taxes in arrear.

, collector taxes for the parish of , in the in the county of Whereas in and by a certain certificate, bearing

of in the year of our Lord 18 of two of the commissioners of assessed taxes acting , in the district of of they the said commissioners did certify to the comm acting within and for the parish of , in t in the county of , that in and by the supplementary] assessments of the duties of asses aforesaid, for the year ending the of

A.B., now residing in the parish of charged and assessed in the sum of

To

, that in and by the first [or addition

of the said duties so charged and a

of

assessments of the duties payable under the schedu of the Act 5 and 6 Vict. c. 35., for aforesaid, [or for the department of the year ending the fifth day of April 184 , A.B. of aforesaid, had been duly charge for the duties in the said certific of said A.B. had left unpaid the sum of duties so charged and assessed as aforesaid, which h on the day of , [*01* at the time of his being so charged and assessed as then reside, in the said parish of

due and payable on the day of and that the said last-mentioned sum was then in a missioners acting within and for the said district of said commissioners for offices, as the case may be,] missioners acting within and for the said district of and levy the said sum of so charged

A.B., and then in arrear as aforesaid:

And whereas in pursuance of the said certificate sioners of the property and income tax acting within of did by a warrant in that behalf, of two of the said last-mentioned commissioners, due demand of the said duties for the said parish of due demand of and from the said A.B. of the said sumentioned in the said certificate, and for nonpayment the same, according to the directions of the statute is

And whereas it appears by the oath of duties for the last-mentioned parish, taken before us hereunto subscribed and set, being two of the command income tax acting within and for the district of county of , that the said sum of the said certificate to be in arrear and unpaid hath I said A.B., and that he hath refused and neglected t case may be, to pay the sum of

,] and that the same now remains of

And whereas it further appears by the oath afores chattels of the said A.B. are lying and being in a cette parish of aforesaid, now in the p

These are therefore, &c. [Proceed as in Form No are therefore" to the end thereof.]

Nº 79.

Form of a Warrant of Commitment under the Act 43 Geo. 3. c. 99. s. 33. for Want of a sufficient Distress for Duties in arrear.

To and , collectors of the duties hereinafter mentioned for the parish of , in the district of , in the county of , [or to , constable, headborough, tythingman, or other officer, as the case may be, of the parish of , in the county of ,] and to the keeper of the common gaol of the said county.

Whereas in and by the first [or additional first or supplementary, as the case may be,] assessments of the duties of assessed taxes [or of the duties payable under the schedule [or respective schedules] of the Act 5 and 6 Vict. c. 35.] for the parish of , in the district of , in the county of , for the year ending the fifth day of April 18 , A.B., of, &c., hath been duly charged and assessed to the said duties in the sum of :

, collector of the said And whereas it appears by the oath of duties appointed for the said parish of , taken before us whose hands and seals are hereunto subscribed and set, being two of the commissioners of assessed taxes [or of the property and income tax] acting in and for the district of aforesaid, that the said sum of and for the duties so charged and assessed as aforesaid hath been duly demanded of the said A.B., and that he hath refused and neglected to pay the , part of the same [or, as the case may be, to pay the sum of ,] by the space of ten days after such demand said sum of as aforesaid; and it further appears by the oath aforesaid that the said sum of for the duties charged and assessed as aforesaid now remains due and unpaid, and that no sufficient distress can or may be found whereby the same may be levied:

Now therefore we the said commissioners whose hands and seals are hereunto subscribed and set do hereby command you the above-named collectors of the said duties, or either of you, [or you the above-named constable, headborough, tythingman, or other officer, as the case may be,] to apprehend the said A.B., and to take him to the common gaol of the said county of , at

in the said county, and to deliver him to the keeper thereof, together with this warrant; and we do hereby command you the said keeper to receive him the said A.B. into your custody in the said common gaol, there to be kept, without bail or mainprize, until payment shall be made of the said sum of remaining due and unpaid as aforesaid, and also the further sum of , which we the said commissioners do adjudge to be reasonable for the costs and expences of apprehending the said A.B., and conveying him to prison.

Given under our hands and seals, at within the said district, the day of in the year of our Lord 18

Commissioners of assessed taxes [or of the property and income tax].

Nº 80.

Form of a Warrant of Commitment under the Act for Want of sufficient Distress for the Du arrear.

To and , collectors of for the parish of , in the distriction tythingman, or other officer, as the case may , in the county of ,] and to gaol of the said county.

WHEREAS in and by a certain certificate, bearing
of in the year of our Lord 18, u
two of the commissioners of assessed taxes acting v
, in the district of , in the
they the said commissioners did certify to the comm
acting within and for the parish of , in

in the county of , that in and by to r supplementary] assessments of the duties of assessments aforesaid, for the year ending the A.B., residing in the parish of afores

and assessed in the sum of for the due said certificate mentioned, and that the said A.B. I in respect of the said duties so cha

said, which had become due and payable on the and that the said last mentioned sum was then in missioners acting within and for the said parish of the said commissioners acting within and for the sa

to raise and levy the said sum of so and left unpaid by the said A.B., and then in arread And whereas in pursuance of the said certificate sioners of assessed taxes acting within and for the said, by a warrant in that behalf under the hands as

last-mentioned commissioners, duly authorize and reduties of assessed taxes for the said parish of demand of and from the said A.B. of the said sum of in the said certificate, and for nonpayment thereof according to the directions of the statute in that be

And whereas it appears by the oath of said duties for the said last-mentioned parish, take and seals are hereunto subscribed and set, being to assessed taxes acting within and for the said parish district of , in the county of sum of mentioned in the said certification.

unpaid hath been duly demanded of the said A.B., and neglected to pay the same [or, as the case may be part of the said sum of

by the oath aforesaid that the said sum of and unpaid, and that no sufficient distress can or

district or division of the said commissioners acting within and for the said parish of whereby the same may be levied:

Now therefore, &c. [Proceed as in the Form No 79, from the words "Now therefore" to the end thereof].

Nº 81.

Form of Warrant of Commitment under the Act 5 and 6 Will. 4. c. 20. s. 16. for Want of a sufficient Distress for the Duties on Profits arising from Property, Professions, Trades, and Offices.

To and , collectors of the duties hereinafter mentioned for the parish of , in the district of , in the county of , [or to , constable, headborough, tythingman, or other officer, as the case may be, of the parish of , in the county of ,] and to the keeper of the common gaol of the said county.

WHEREAS in and by a certain certificate, bearing date the day of in the year of our Lord 18 , under the hands and seals of two of the commissioners of the property and income tax acting within and for , in the county of , they the said commissioners did certify to the commissioners of the property and income tax acting within and for the district of , in the county , that in and by the first [or additional first or supplementary] assessments of the duties payable under the schedule [or respective schedules of the Act 5 and 6 Vict. c. 35, for the parish of in the said district of , for the year ending the fifth day of April 18 , A.B., residing in the parish of aforesaid, had been for the said duties duly charged and assessed in the sum of in the said certificate mentioned, and that the said A.B. had left unpaid the in respect of the said duties so charged and assessed as aforesaid, which had become due and payable on the , [or that the said A.B. did not at the time of his being so charged and assessed as aforesaid, or at the time of the granting of the said certificate, reside in the said parish of , and that the sum in respect of the said duties so charged and assessed as aforesaid became due and payable on the day of and that the said last-mentioned sum was then in arrear; and the said commissioners acting within and for the said district of did request the said commissioners acting within and for the said district to raise and levy the said sum of so charged

And whereas in pursuance of the said certificate and request the commissioners of the property and income tax acting within and for the said district of did, by a warrant in that behalf under the hands and seals of two of the said last-mentioned commissioners, duly authorize and require the collectors of the said duties for the parish of aforesaid to make due demand of and from the said A.B., of the said sum of mentioned in the said certificate, and for nonpayment thereof to distrain for the same, according to directions of the statute in that behalf:

And whereas it appears by the oath of said duties for the last-mentioned parish, taken before seals are hereunto subscribed and set, being tw of the property and income tax acting within a , that the said sum of of certificate to be in arrear and unpaid hath been du A.B., and that he hath refused and neglected to pay , part of the may be, to pay the sum of and it further appears by the oath aforesaid that the now remains due and unpaid, and that no sufficien found within the said district of levied:

Now therefore, &c. [Proceed as in Form No 79, from fore" to the end.]

> Note.—The several forms herein-before provide the direction of the commissioners of the prope in all cases in which the same are or may be other form is specially provided for the occasion mutatis mutandis, to the execution of the Act profits arising from property, professions, under the direction of the commissioners the duties chargeable under schedule E. of th

CHAPTER LVII.

An Act for regulating the Gauge of Railways.

On what gauge railways for conveyance of passengers shall be made Britain and Ireland respectively. Proviso as to maintenance of railways already con-

MY HEREAS it is expedient to define the gauge of constructed: Be it enacted by the Queen's n and with the advice and consent of the lords spi commons, in this present Parliament assembled, and same, that after the passing of this Act it shall i herein-after excepted) to construct any railway for t gers on any gauge other than four feet eight inches Britain, and five feet three inches in Ireland: Provi herein-before contained shall be deemed to forbid th of any railway constructed before the passing of thi than those herein-before specified, or to forbid the la same gauge on which such railway is constructed w tion authorized by the several Acts under the railways are severally constructed.

Exception of certain railways.

in Great

structed.

II. And be it enacted, that nothing herein-before any railway constructed or to be constructed und present or future Act containing any special enactm gauges of such railway, or any part thereof, or to ar whole length southward of the Great Western Rail any of the counties of Cornwall, Devon, Dorset, or Act has been or shall be passed in this session of railway in any of the last-mentioned counties now i or to the two railways severally to be constructed under the authority of two Acts passed in this session of Parliament, severally intituled "An Act for 9 & 10 Vict. " making a railway from the Great Western Railway at West Drayton to cap. clavi. "Uxbridge in Middlesex," and "An Act for making a railway from the Great 9 & 10 Vict. "Western Railway at Maidenhead in Berkshire to the town of High " Wycombe in the county of Buckingham"; or to so much of an Act passed in this session, intituled "An Act to authorize certain extensions of the line of 9 & 10 Vict. "the Oxford, Worcester, and Wolverhampton Railway, and to amend the " Act relating thereto," as authorizes the construction of a branch railway from the Oxford, Worcester, and Wolverhampton Railway to the town of Witney in the county of Oxford; or to an Act passed or which may be passed in this session of Parliament, "to authorize the construction 9 & 10 Vict. " of a railway from Melin-y-Manach to Rhydydefydd in the county of cap. cccci. " Glamorgan."

III. AND be it enacted, that the several railways authorized to be Certain railconstructed by an Act passed in the last session of Parliament, intituled "An " Act for making a railway, to be called 'The South Wales Railway,'" and gauge. by an Act also passed in the last session of Parliament, intituled "An Act for 8 & 9 Vict. " making a railway from Monmouth to Hereford, with branches therefrom to "Westbury and to join the Forest of Dean Railway," and by two Acts passed cap. exci. in this session of Parliament, severally intituled "An Act for completing the 9 & 10 Vict. " line of the South Wales Railway, and to authorize the construction of an " extension and certain alterations of the said railway, and certain branch " railways in connexion therewith," and "An Act for making a railway 9 & 10 Viet. " communication between the city of Bristol and the proposed South Wales "Railway in the county of Monmouth, with a branch railway therefrom," shall be constructed on the gauge of seven feet.

IV. And be it enacted, that it shall not be lawful after the passing of this Gauge of railways Act to alter the gauge of any railway used for the conveyance of passengers.

V. AND be it enacted, that nothing herein-before contained shall be deemed be altered. to affect the provisions of two Acts passed in the last session of Parliament, Provisions of respectively intituled "An Act for making a railway from the city of Oxford 8 & 9 Vict. "to the town of Rugby," and "An Act for making a railway from Oxford to Worcester and Wolverhampton," with respect to the gauge on which they cap. clxxxiv., as to the Oxford are to be formed, or the additional rails which according to the several and Rugby, provisions of the last two recited Acts are to be or may be laid down and worcester, maintained on the railways thereby authorized, or with respect to the powers and Wolverthereby conferred on the commissioners of her Majesty's privy council for railways, not trade and foreign plantations concerning the construction and use of the to be affected. railways thereby authorized.

VI. And be it enacted, that if any railway used for the conveyance of Penalty on passengers shall be constructed or altered contrary to the provisions of this structing Act, the company authorized to construct the railway, or, in the case of any railways for demise or lease of such railway, the company for the time being having the of passengers control of the works of such railway, shall forfeit ten pounds for every mile of this Act, or such railway which shall be so unlawfully constructed or altered, during having control every day that the same shall continue so unlawfully constructed or altered; of railways so constructed. and in estimating the amount of any such penalty any distance less than one mile shall be estimated as a mile.

ways to be on cap. exc. 8 & 9 Vict. cap. ccxxxix.

railways conveying passengers not to cap. clxxxviii.

conveyance

Railways constructed or altered contrary to this Act may be abated or removed. VII. AND be it enacted, that, over and above the provided, if any railway used for the conveyance constructed or altered contrary to the provisions of the for the commissioners of her Majesty's woods, forest and buildings, or for the lords of the committee of her for trade and foreign plantations, to abate and remove thereof so constructed or altered contrary to the provincestore the site thereof to its former condition.

Recovery of penalties.

8 & 9 Vict. c. 20. VIII. AND be it enacted, that all penalties u recovered from the company liable to pay and make the provisions of an Act passed in the last session "An Act for consolidating in one Act certain provi "Acts authorizing the making of railways," a pena of the last-recited Act is recoverable against a comstruct a railway.

CHAPTER LIX.

An Act to relieve Her Majesty's Subjects from certain ties in regard to Religious Opinions.

Certain Acts and parts of Acts repealed. BE it enacted by the Queen's most excellent M advice and consent of the lords spiritual and in this present Parliament assembled, and by the au the statutes or ordinance herein-after mentioned, or so much and such parts of are herein-after specified, shall be repealed; (that is

5 & 6 Edw. 6. c. l. s. l. in part.

King Edward the Sixth, intituled "An Act for "and administration of sacraments throughou "that from and after the feast of All Saints ne "person and persons inhabiting within this reals "Majesty's dominions, shall diligently and fai "or reasonable excuse to be absent, endeavour "their parish church or chapel accustomed, "thereof, to some usual place where common produced to such time of let, upon "days ordained and used to be kept as holy days."

Also so much of an Act passed in the fifth and si

"abide orderly and soberly during the time of "ings, or other service of God there to be us "pain of punishment by the censures of the affects persons dissenting from the worship or Church of England and Ireland, and usually

worship other than the Established Church: I pecuniary penalty shall be imposed upon any peabsenting himself as aforesaid:

l'roviso.

Also so much of an Act passed in the first year of the reign of Queen Elizabeth, intituled "An Act to restore to the crown the ancient jurisdic-in part." "tion over the estate ecclesiastical and spiritual, and abolishing all foreign "powers repugnant to the same," and of an Act of the Parliament of Ireland passed in the second year of the same Queen's reign, intituled "An Act restoring to the crown the auncient jurisdiction of the state 2 Eliz. c. 1. " ecclesiastical and spiritual, and abolishing all forreinne power repugnant "to the same," as makes it punishable to affirm, hold, stand with, set forth, maintain, or defend, as therein is mentioned, the authority, preeminence, power, or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate, theretofore claimed, used, or usurped within this realm, or any dominion or country being within or under the power, dominion, or obeisance of her highness, or to put in ure or execute any thing for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, and authority, or any part thereof, or to abet, aid, procure, or counsel any person so offending: Provided always, and be it declared, Proviso. that nothing in this enactment contained shall authorize or render it lawful for any person or persons to affirm, hold, stand with, set forth, maintain, or defend any such foreign power, pre-eminence, jurisdiction, or authority, nor shall the same extend further than to the repeal of the particular penalties and punishments therein referred to, but in all other respects the law shall continue the same as if this enactment had not been made: Provided further, that if any person in holy orders according to the rites and ceremonies of the United Church of England and Ireland shall affirm, hold, stand with, set forth, maintain, or defend any such foreign power, pre-eminence, jurisdiction, or authority, such person shall be incapable of holding any ecclesiastical promotion, and, if in possession of any such promotion, may be deprived thereof by due course of law, in the same manner as for any other cause of deprivation:

Also an Act passed in the thirteenth year of the same Queen's reign, intituled "An Act against the bringing in and putting in execution of 18 Eliz. c. 2. " bulls, writings, or instruments, and other superstitious things, from the in part. "see of Rome," so far only as the same imposes the penalties or punishments therein mentioned; but it is hereby declared that nothing in this Proviso. enactment contained shall authorize or render it lawful for any person or persons to import, bring in, or put in execution within this realm any such bulls, writings, or instruments, and that in all respects, save as to the said penalties or punishments, the law shall continue the same as if this enactment had not been made:

II. her Majesty's subjects professing the Jewish Jews to be religion, in respect to their schools, places for religious worship, education, same laws as and charitable purposes, and the property held therewith, shall be subject to the same laws as her Majesty's Protestant subjects dissenting from the Church respect to of England are subject to, and not further or otherwise.

subject to the Protestant dissenters in schools and places of worbas aids education, charities, &c. Disturbing religious assemblies.

all laws now in for and maliciously or contemptuously disquieting or d assembly, or congregation of persons assembled for mitted or authorized by any former Act or Acts of Pa ing, molesting, or misusing any preacher, teacher, or p meeting, assembly, or congregation, or any person or p shall apply respectively to all meetings, assemblies, or ever of persons lawfully assembled for religious wor teachers, or persons officiating at such last-mentioned congregations, and the persons there assembled.

CHAPTER LX.

An Act to exempt from Stamp Duty Bonds and Wa ment executed by High Constables or Collector or their Sureties, in Ireland.

6 & 7 Will. 4. c. 116. s. 148.

THEREAS by an Act passed in the session of l sixth and seventh years of the reign of his lat the Fourth, intituled "An Act to consolidate and am " the presentment of public money by grand juries i other things enacted, that no person shall act as hig unless he shall have given security at the assizes be whom he shall have been appointed, or before the just sessions, if such high constable or collector shall sessions, by two sufficient sureties joining with him warrant of attorney, without stamp, to confess judg

the county, conditioned for his duly collecting and on or before the first day of the next assizes, all such shall be required by him to collect: And whereas unprovisions of an Act of the fifth and sixth years of

5 & 6 Vict. c. 82.

8 & 9 Vict. c. 2.

Majesty, intituled "An Act to assimilate the stamp " and Ireland, and to make regulations for collecting " until the tenth day of October one thousand eight and of another Act of the last session of Parliament years the stamp duties granted by the said last-me and sixth years of the reign of her Majesty, such attorney as aforesaid have become liable to be charge payable to her Majesty in that behalf under the se

And whereas it is expedient that such bonds and was be exempted from stamp duty, in like manner as the of the said last-mentioned Acts: Be it therefore enac

excellent Majesty, by and with the advice and cons

and temporal, and commons, in this present Parliame

authority of the same, that from and after the fi

present year all bonds or warrants of attorney to con

or to be executed by any high constable or collector

Bonds, &c. of high constables or collectors of grand jury cess, or their sureties, conditioned for the due collection of public money or grand conditioned for duly collecting or paying any such po jury cess,

or any grand jury cess, under the provisions of the said recited Act of the under sixth and seventh years of the reign of his late Majesty King William the 6 & 7 Will. Fourth, or any Act amending the same, or under the provisions of a certain 7 & 8 Vict. other Act of the seventh and eighth years of the reign of her present Majesty, exempt from intituled "An Act to consolidate and amend the laws for the regulation of stamp duty. " grand jury presentments in the county of Dublin," shall be and they are hereby declared to be exempted from all stamp duties;

CHAPTER LXI.

An Acr to amend an Act of the Seventh Year of King George the Fourth, for consolidating and amending the Laws relating to Prisons in Ireland.

[18th August 1846.]

HEREAS by an Act passed in the seventh year of the reign of his Majesty King George the Fourth, intituled "An Act for consolidating 7 Geo. 4. c. 74. " and amending the laws relating to prisons in Ireland," after providing, amongst other things, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, from time to time, by warrant to be published in the Dublin Gazette, to order that any bridewells shall be discontinued, and shall no longer be used as a bridewell or prison, it is enacted as follows; (that is to say,) "that it shall and may be lawful for "the lord lieutenant or other chief governor or governors of Ireland for the time " being to direct that such bridewells as shall be continued shall be divided " into two classes; and that one class of the said bridewells to be selected and " appointed by the lord lieutenant or other chief governor or governors of "Ireland shall be denominated district bridewells, to each of which bridewells " a certain district within the county shall be allotted, and that all prisoners committed within such district, either for trial at or under sentence passed by the court of quarter sessions, shall be kept and remain in such district bridewell, and shall not be transmitted to the county gaol, unless some order to that effect shall be made by competent authority; and it shall and may be lawful, in the event of a crowded state of the county gaol, on the report of the local inspector thereof, for the keeper of any such district bridewell to detain therein any prisoner committed for trial at the assizes for the county until within a reasonable time prior to the assizes; provided always, that in case of imprisonment for a period exceeding four months, or in any case in which it shall appear to the court to be necessary, it shall and may be lawful, by the order and at the discretion of the court by whom judgment shall be passed, to send any prisoner to the county gaol or house of correction, and provided that no persons committed for debt shall be confined in " any such bridewell; and it shall and may be lawful for the grand jury of any county in which any district bridewell is or shall be appointed to present any reasonable sum for the medical and other necessary expences attending the support and maintenance of the same:" And whereas it has been considered that the said recited enactment does not extend or apply to any bridewell built, erected, or established after the passing of the said recited Act, or hereafter to be built, erected, or established, and it is expedient that the same should be extended and applied to such last-mentioned cases: Be it

Recited enactment to extend to bridewells built after as well as to those built before the passing of the said Act.

therefore enacted by the Queen's most excellent Madvice and consent of the lords spiritual and tempor present Parliament assembled, and by the authority of recited enactment shall be and the same is hereby ext shall be deemed and construed as hereafter extending bridewell or bridewells in Ireland heretofore built, ere the passing of the said recited Act, or hereafter the established, as fully and effectually to all intents and provide well or bridewells had been built, erected, or established of the passing of the said recited Act, and continued as

CHAPTER LXIV.

An Act to enable Courts of Law in Ireland to give Claims made upon Persons having no Interest in such Claims.

HEREAS it often happens that a person sued of money or goods wherein he has no inter claimed of him by some third party, has no means of such adverse claims but by a suit in equity against third party, usually called a bill of interpleader, expence and delay: For remedy thereof be it enact excellent Majesty, by and with the advice and conser and temporal, and commons, in this present Parliamer authority of the same, that upon application made by defendant sued in any of her Majesty's courts of law of assumpsit, debt, detinue, or trover, such application ration and before plea, by affidavit or otherwise, show does not claim any interest in the subject matter o right thereto is claimed or supposed to belong to so sued or is expected to sue for the same, and that such any manner collude with such third party, but is ready to pay or dispose of the subject matter of the action court or any judge thereof may order or direct, it shall or any judge thereof to make rules and orders calling to appear and to state the nature and particulars of I or relinquish his claim, and upon such rule or order to well of such third party as of the plaintiff, and in the proceedings in such action, and finally to order such th self defendant in the same or some other action, or to or more feigned issue or issues, and also to direct wh be plaintiff or defendant on such trial, or, with the consuch third party, their counsel or attornies, to dispo claims, and determine the same in a summary manner, rules and orders therein as to costs and all other matte

II. And be it enacted, that the judgment in any may be directed by the court or judge, and the decision

just and reasonable.

Upon application by a defendant in Ireland in an action of assumpsit, &c. stating that the right in the subject matter is in some third party, the court or a judge may order such third party to appear, and maintain his claim, and in the meantime may stay - proceedings in such action, and may afterwards direct a trial, or dispose of the case on the merits as between the plaintiff and such third party.

Judgment and decision to be final. in a sum mary manner, shall be final and conclusive against the parties, and all persons claiming by, from, or under them.

III. AND be it enacted, that if such third party shall not appear upon If such third such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the court or judge to declare such third party, and all persons claiming by, from, or under him, to be for ever barred from prosecuting his claim against the original defendant, his executors or administrators, saving nevertheless the right or claim of such third party against the plaintiff, and thereupon to make such order between such defendant and the plaintiff as to costs and other matters as may appear just and reasonable.

IV. Provided always, and be it enacted, that every order to be made in pursuance of this Act by a single judge not sitting in open court shall be liable to be rescinded or altered by the court in like manner as other orders made by a single judge.

V. Provided also, and be it enacted, that if upon application to a judge in the first instance, or in any later stage of the proceedings, he shall think the matter more fit for the decision of the court, it shall be lawful for him to refer may refer the the matter to the court, and thereupon the court shall and may hear and decision of dispose of the same in the same manner as if the proceeding had originally commenced by rule of court instead of the order of a judge.

VI. And whereas difficulties sometimes arise in the execution of process against goods and chattels issued by or under the authority of the said courts, by reason of claims made to such goods and chattels by assignees of bankrupts, and other persons, not being the parties against whom such process has issued, whereby sheriffs and other officers are exposed to the hazard and expence of actions, and it is reasonable to afford relief and protection in such cases to such sheriffs and other officers: Be it therefore enacted, that when any such Where goods, claim shall be made to any goods or chattels taken or intended to be taken in claimed in execution under any such process, or to the proceeds or value thereof, it shall execution by and may be lawful to and for the court from which such process issued, or any judge of such court, upon application of such sheriff or other officer made third party, the before or after the return of such process, and as well before as after any action brought against such sheriff or other officer, to call before them or him, by judge, may decide between rule of the court or judge, as well the party issuing such process as the party the claimants making such claim, and thereupon to exercise, for the adjustment of such and protect the claims, and the relief and protection of the sheriff or other officer, all or any of the powers and authorities herein-before contained, and make such rules and decisions as shall appear to be just, according to the circumstances of the case; and the costs of all such proceedings shall be in the discretion of the court or any judge thereof.

VII. AND be it enacted, that all rules, orders, matters, and decisions to be Rules, orders, made and done in pursuance of this Act, except only the affidavits to be filed, pursuance of may, together with the declaration in the cause (if any), be entered of record, with a note in the margin expressing the true date of such entry, to the end record, and that the same may be evidence in future times, if required, and to secure and made evidence, and shall have enforce the payment of costs directed by any such rule or order; and every the effect of a such rule or order so entered shall have the fonce and effect of a judgment, indgment, copt as to lands.

party shall not court may bar his claim against original defendant, saving rights against plaintiff, and may make order as to costs, &c. between plaintiff and defendant. Orders made by a single judge not sitting in court to be liable to be rescinded by the court. If a judge think fit, he matter for the the court.

execution, or a

Execution for costs not paid.

As to the testing of writs, and sheriff's fees. except only as to becoming a charge on any land ments; and in case any costs shall not be paid notice of the taxation and amount thereof given to the same, his agent or attorney, execution may is facias or capias ad satisfaciendum, adapted to the ca of such entry, and of the execution if by fieri facias may bear teste on the day of issuing the same, who and the sheriff or other officer executing any such w same fees, and no more, as upon any similar writ g of the court.

CHAPTER LXVI.

An Acr to amend the Laws relating to the Remova

No person to be removed from any parish in which he or she shall have resided for five years.

Time during which persons are serving in the army or navy, &c., or are confined as lunatics or in hospital, &c. not to be computed as time of residence.

No widow liable to be removed for twelve months after death of husband.

No child under sixteen years of age residing with parents, &c. liable to be removed unless parents, &c. may be removed.

Sick persons not liable to be removed

THEREAS it is expedient that the laws related poor should be amended: Be it enacted by Majesty, by and with the advice and consent of the poral, and commons, in this present Parliament assen of the same, that from and after the passing of the removed, nor shall any warrant be granted for the r any parish in which such person shall have resided the application for the warrant: Provided always, t such person shall be a prisoner in a prison, or shall a soldier, marine, or sailor, or reside as an in-p Chelsea hospitals, or shall be confined in a lunat licensed or hospital registered for the reception of a hospital, or during which any such person sha parish, or shall be wholly or in part maintained b raised in a parish in which such person does not recharitable gift, shall for all purposes be excluded i herein-before mentioned, and that the removal of a asylum, under the provisions of any Act relating to of pauper lunatics, shall not be deemed a removal

II. And be it enacted, that no woman residin husband at the time of his death shall be removed granted for her removal, from such parish, for twafter his death, if she so long continue a widow.

III. And be it enacted, that no child under whether legitimate or illegitimate, residing in ar father or mother, stepfather or stepmother, or reput nor shall any warrant be granted for the removal parish, in any case where such father, mother, stepfa father may not lawfully be removed from such pari

IV. And be it enacted, that no warrant shall be any person becoming chargeable in respect of

sickness or accident, unless the justices granting the warrant shall state in except under such warrant that they are satisfied that the sickness or accident will produce stances. permanent disability.

V. PROVIDED always, and be it enacted, that no person hereby exempted Settlement not from liability to be removed shall by reason of such exemption acquire any settlement in any parish.

VI. AND be it enacted, that if any officer of any parish or union do, contrary to law, with intent to cause any poor person to become chargeable to officers of any parish to which such person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person to be so conveyed, or give directly or indirectly any money, relief, &c. poor person to be so conveyed, or give directly or indirectly any money, relief, sons out of or assistance, or afford or procure to be afforded any facility for such conveyance, or make any offer or promise or use any threat to induce any poor chargeable to person to depart from such parish, and if, in consequence of such conveyance parishes to or departure, any poor person become chargeable to any parish to which he not already was not then chargeable, such officer, on conviction thereof before any two chargeable. justices, shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than forty shillings.

to be gained by exemption from liability to be removed. Penalty on conveying, &c. poor perparishes, so as to make them which they are

VII. And be it enacted, that the delivery of any pauper, under any warrant Delivery of of removal directed to the overseers of any parish, at the workhouse of such paupers under orders of parish or of any union to which such parish belongs, to any officer of such removal. workhouse, shall be deemed the delivery of such pauper to the overseers of such parish.

VIII. And be it enacted, that an Act passed in the fifth year of the reign 4 & 5. Will. 4. of King William the Fourth, for the amendment and better administration of c. 76. and the laws relating to the poor in England and Wales, and all Acts to amend and this Act, and extend the same, and the present Act, except so far as the provisions of as one. any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as one Act; and all penalties and forfeitures imposed under this Recovery of Act shall be recoverable as penalties and forfeitures under the said Act for the penalties. amendment of the laws relating to the poor.

amending Acts,

IX. And be it enacted, that this Act shall extend only to England.

Act to extend only to England.

CHAPTER LXVII.

An Act to remove Doubts concerning Citations, and Services and Execution of Diligence, in Scotland. [26th August 1846.]

HEREAS an Act was passed in the second year of the reign of her Majesty, intituled "An Act to amend the law of Scotland in matters 1 & 2 Vict. " relating to personal diligence, arrestments, and poindings," whereby it was enacted, that extracts, citations, deliverances, schedules, and executions may be either printed or in writing, or partly both, and that, excepting in the case of poindings, more than one witness shall not be required for service or execution thereof: And whereas doubts have been entertained regarding the interpretation of the provisions above recited; and it is expedient to remove such doubts: Be it therefore declared and enacted, by the Queen's most excellent Recited enacted ment to apply Majesty, by and with the advice and consent of the lords spiritual and ment to apply

to all citations, services, &c.

More than one witness required in cases of poinding only. temporal, and commons, in this present Parliame authority of the same, that the enactment herein-bapply to all citations on all summonses, and to all cand execution, and that more than one witness is not for service or execution in any case, excepting on aforesaid.

CHAPTER LXVII

An Acr for better enabling the Burial Service to be where contiguous Burial Grounds shall have more Parishes or Places.

8 & 9 Viet. c. 70. s. 14.

Recited enactment extended.

Church building commissioners may direct one chapel to be used by two or more parishes for which one burial ground has been provided.

THEREAS an Act was passed in the session of eighth and ninth years of the reign of her " An Act for the further amendment of the Church it was amongst other things enacted, that where a purchased or obtained for any new or additional bu bounds of the parish or parishes for the use of wh been so purchased or obtained, it should be lawful sioners for building new churches, if they should conveyance of such land for the purposes aforesaid, therein-before recited Acts or any of them, to decl by any other instrument under their common seal, the consecration thereof for the purposes aforesaid part of the parish or parishes for the use of which so purchased or obtained, and after consecration su such parish or parishes accordingly for the purposes is expedient that the said provision of the herein-b amended: Be it therefore enacted by the Queen's and with the advice and consent of the lords s commons, in this present Parliament assembled, ar same, that such provision shall extend to any dis district parish, district chapelry, or consolidated dis after formed under the Church Building Acts, and or to be hereafter constituted by or under the processing Commissioners for England; and that where any la have been purchased or obtained for the purpose h use of two or more parishes or places, it shall be la sioners, in accepting a conveyance of such land for order and direct in such conveyance, or by any oth common seal, that any chapel which at the time of shall have been or shall be thereafter erected on a aforesaid for the performance of the burial service other building which shall at the time of such order erected or shall thereafter be erected on any part and every access or approach to and from such char shall be for the use of all and every of the parish land shall have been purchased or obtained and such order and direction shall be valid and binding; and it shall be lawful Ministers of for the officiating minister of each parish respectively to use (subject to the may use the regulations herein-after mentioned) the said chapel for the purpose of the chapel. burial service therein; and the like fees for the performance of such burials, Same fees and for the making, opening, or using any catacombs, vaults, or ground for payable as are payable in the burials within each such burial ground, shall be due and payable as are parishes for accustomed to be taken in the parish for which such burial ground shall have which the been purchased, obtained, and conveyed as aforesaid; and the use of such been purchased. chapel, lodge, or other building by such officiating minister for the purpose Bishop to aforesaid shall be subject to such regulations as the bishop of the diocese shall of chapel. at any time under his hand and seal make or ordain.

II. AND be it enacted, that it shall be lawful for the said bishop, in conse-Bishop may crating such chapel as aforesaid for the purposes aforesaid, to declare in the sentence of consecration that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such that such th sentence of consecration that such chapel is intended for the use of the consecration respective parishes or places, for the performance of the burial service therein, that such chapel is infor which such land shall have been purchased or obtained and conveyed as tended for the aforesaid; and if any additional land shall after the consecration of such respective chapel be purchased or obtained and conveyed as aforesaid to the said com- parishes or missioners as a burial ground for the use of such parish or parishes, place or Same chapel places, or for the use of any other parish or parishes, place or places, (such to be used in land adjoining or being near to such former land so purchased or obtained and case of purchase of adjoinconveyed,) such chapel, subject to the regulations as aforesaid by the bishop of ing land for the diocese, may be used for the performance of the burial service in such burial ground. additional ground, and such lodge or other building, and every access and approach to and from such chapel, lodge, or building, may be in like manner used for the purposes aforesaid.

III. And be it enacted, that for the enclosure of such land one boundary One outside fence around the whole may be declared by such bishop (if he think fit) suffisufficient withcient, without any sub-division fences enclosing the portions conveyed to the outsub-dividing the portions said commissioners for the use of the several parishes or places respectively; belonging to but if the said bishop shall think fit, he may require such bound stones to be the several put down as may appear to him necessary for marking the boundaries of the bishop may land so conveyed as aforesaid to the said commissioners for the use of the order such respective parishes.

IV. Provided always, and be it enacted, that nothing in this Act contained This Act not to shall be construed to authorize any church rate to be made on the said parishes church rate for or any of them for the repair or sustentation of such chapel, lodge, or other the repair of the chapel, &c. building, or fence as aforesaid, but such repair or sustentation shall be provided for by such a sum of money as the said commissioners shall consider provided for by sufficient; and such sum shall be set apart, and invested in government securities in the names of trustees to be appointed by the said commissioners, and invested in the shall be held by such trustees in trust for the purposes aforesaid, and the trustees. dividends or annual proceeds arising therefrom shall be applied in and about such repair and sustentation, as and when the trustees or trustee for the time being, with the consent of the bishop of the diocese, shall deem fit from time to time to direct; and in case of a vacancy or vacancies amongst such trustees, vacancies the remaining trustees or trustee, and if there shall be no remaining trustees, trustees to be or no trustee that is capacitated or willing to act, the bishop of the diocese, filled up. shall supply such vacancy or vacancies, by the appointment of a fresh trustee

places.

boundary fence portions to be marked out.

or trustees, who shall hold such trust fund, and ap and proceeds arising therefrom, jointly with the ren if any, in like manner as the former trustees or trustees or trustees shall be appointed.

Interpretation of word " parish." V. And be it enacted, that in the interpretation words "parish" or "parishes" occur therein, such shall include any distinct and separate parish, district or consolidated district, already or to be hereafter for the Church Building Acts, and also any new parafter constituted by or under the proceedings of the sioners for England.

CHAPTER LXX.

An Act to amend the Act to facilitate the Inclo

8 & 9 Vict. c. 118.

Provisional orders of commissioners may be varied

or amended.

THEREAS an Act was passed in the eighth an of her present Majesty, intituled "An Act " and improvement of commons and lands held in " lands, and the division of intermixed lands; to " tive or incomplete executions, and for the non-e " general and local inclosure Acts; and to provi-" powers in certain cases;" and it is expedient th amended as herein-after mentioned; Be it enach excellent Majesty, by and with the advice and cor and temporal, and commons, in this present Parlian authority of the same, that where it shall appear the terms and conditions of any provisional order which shall hereafter be issued by the commission inclosure ought to be varied or amended, it shall missioners, at any time before they shall have general report their opinion that the proposed inc , whether the requisite of have been taken to such provisional order, to n same, and to issue in lieu thereof such varied or as they shall think fit; and such deposit shall be n other proceedings had thereupon, as by the said Act in respect of an original provisional order in the lik consents shall have been taken to a provisional ord necessary to the commissioners wholly to cancel t lawful for the commissioners, at any time before t their annual general report their opinion that the pa expedient, , to vary or a ditions of such provisional order, or any of them, sional order: Provided always, that in every case provisional order shall be made the commissioners to be deposited for inspection in the same manner a in reference to a provisional order, and shall cause deposit, and shall by such notice specify the time

Copies of supplemental orders to be deposited for inspection, &c. be signified to such supplemental order; and unless persons the aggregate amount of whose interests in the land proposed to be inclosed shall exceed one third in value of the whole interest in such land shall, within the time so limited, signify in writing to the commissioners their dissent from such supplemental order, such order shall, for all the purposes of the inclosure, be deemed part of the provisional order.

II. PROVIDED always, and be it enacted, that where under the said Act the Supplemental consent of the person interested in such land in right of a manor is required take effect in to an inclosure, or the dissent of any person or persons so interested might, in case of dissent of certain respect of his or their interest in right of a manor, have prevented an inclosure, parties. such supplemental order shall not take effect in case such person or persons respectively shall, within the time so limited, signify in writing to the commissioners his or their dissent from such order; and where the freemen, Consent of burgesses, or inhabitant householders of any city, borough, or town shall be entitled to rights of common or other interests in such land, no supplemental rights of comprovisional order shall take effect without the like consents of the like number obtained as in of such freemen, burgesses, and inhabitant householders as would have been case of provirequired to the provisional order.

III. And be it enacted, that in case any supplemental provisional order so If supplemental issued shall not take effect by reason of dissents having been signified as take effect, aforesaid, the commissioners may, at their discretion, proceed as if such commissioners supplemental provisional order had not been issued, or may suspend all if they had not proceedings in the inclosure.

IV. And be it enacted, that where allotments for exercise and recreation, or proceedings. for the labouring poor, or for any other public purpose, shall have been made As to allotthe condition of any provisional or any supplemental provisional order, it exercise, shall be lawful for the commissioners, on the application in writing of the recreation, labouring valuer, at any time before such valuer shall have made his award, under their poor, &c. seal, to allow an equal quantity of the land proposed to be inclosed to be allotted for either or both of the purposes aforesaid, or for any other public purpose, in lieu of that which may have been directed to have been allotted by the original or any supplemental provisional order.

V. And be it enacted, that it shall be lawful for the commissioners, by their Rent-charge provisional order in the matter of any inclosure, to make it a condition that may be allotted to lord of there shall be awarded to the lord of the manor, instead of the whole or any manor in lieu part of the share or proportion of the residue of the land to which it shall be of other allotthereby declared he would have been otherwise entitled in respect of his right and interest as lord in the soil, and also, if they shall think fit, in lieu of any other allotment or allotments to which he may be found entitled in respect of any other rights or interests in the land proposed to be inclosed, such perpetual rent-charge or rent-charges of such aggregate amount as shall in the judgment of the valuer be equal to such share or proportion of the residue and such other allotment or allotments as aforesaid, as the case may be, and such rentcharge or rent-charges shall be awarded accordingly, and shall be recoverable by the same means as are by the Act of the seventh year of King William 6 & 7 Will. 4. the Fourth, for the commutation of tithes in England and Wales, or any Act c. 71. amending the same, given for recovering rent-charges charged under the lastmentioned Act; and the aggregate amount of rent-charge to which the lord Rent-charge how to be shall be found entitled under this provision shall be charged by the valuer, as charged.

sional order.

orders do not been issued, or may suspend

VOL. IX.





he shall deem convenient, as separate rent-charge allotments or allotment to be allotted and aw who shall consent thereto; and the valuer shallotment shall be made liable to any such rent allotment so charged, such addition in land as to such rent-charge; but in case such aggregate not be so charged with consent as aforesaid, the rent-charges, making together the aggregate at allotments except the allotments for public purp in the judgment of the valuer, of the respective

VI. And be it enacted, that where any copy intermixed or held or occupied together with copyhold or customary land held of another m titles, and such copyhold or customary lan description thereof on the rolls of the manor, a such freehold and copyhold or customary land or unascertained, whether such lands shall or closed under the said recited Act, and whether shall or shall not be pending, it shall be lawful application in writing of the persons interest consent of the lord or lords of the manor or re copyhold or customary land shall be holder appoint and authorize an assistant commission and declare what part of the lands so intermishall be and be deemed copyhold or customary tively, or shall respectively be held of each su customs or titles respectively, or to determin boundary thereof, as the case may require; or other person shall frame a draft award, dec so intermixed or occupied should in his judgm customary lands, for or in lieu of the copylic copyhold or customary lands passed by the d in the court rolls, and for and in lieu of such a map or plan annexed thereto; and the comi make such inquiries in relation to the matter thereof, and cause the same to be revised by other person; and in case such draft award, aforesaid, shall appear satisfactory to the cor same to be engrossed, and to be signed by suc person, and shall approve the same under thei approval the land described in such award tenures, and to be held of such manor and un customs or titles, as therein declared, and shall uses, trusts, and charges as the lands in respec respectively; and a copy of such award shall manor or of each manor to which the same shall be kept with and deemed part of the co

VII. AND be it enacted, that the provisions ing notices and dissents in the case of an orde

Award may be made by assistant commissioner, subject to approval of commissioners, in certain cases of intermixed copyhold or customary and freehold lands, whether subject or not to be inclosed, and whether inclosure is or is not pending, determining which lands shall be held as copyhold or customary, and which as freehold.

Application to case of such award of protaken in exchange under any order. Lands allotted in respect of any lands to be held under the same tenure as such lands.

Consent of lord of the manor required to exchange division or allotment of

Declaration in writing by steward or deputy of consent of lord of the manor, and recital of consent in an award or order, to be evidence of such consent.

> Shares of land, and cattle gates and stints, may be exchanged.

lands and lands customary tenure and the land taken in exchange unde and the land allotted under any order of division an any copyhold or customary land shall be deemed copy and shall be held of the lord of the same manor, under and services, as the copyhold or customary land in reso taken and allotted respectively was or ought to l any new admittance in respect of land so taken and taken in exchange and the land allotted under suc respect of freehold land shall be of freehold tenure: such order of exchange or of division and allotment hold or customary land shall be confirmed by the consent of the lord of the manor of which such co copyhold lands. shall be holden shall have been given, either to the a interested for such exchange or division and allotmer division and allotment to which such order shall rel such order, when confirmed, shall be delivered to th his steward, and shall be kept with and deemed par manor.

> X. AND be it enacted, that in every case where a manor is required under this Act a declaration or the hand of the steward or his deputy authorized t admittances of or to copyhold or customary lands that the lord has consented, shall be evidence of su poses of this Act; and a recital or statement of th manor contained in an award which shall be appr shall be confirmed by the commissioners shall, so fa of such award or order, be conclusive evidence of st

> XI. And be it enacted, that where a person in share, or any cattle gate or other gate, or any rig numbers or stints, in or to be exercised over any la in any undivided share or gate or right (so define any other land, shall be desirous of exchanging th or rights, whether such respective lands or either subject to be inclosed under the said recited Act, : for an inclosure of such respective lands or either pending, it shall be lawful for the commissioners, up of the persons interested in such shares, gates, or so desirous of exchanging, or in such lands in res rights, to make an order of exchange of such respe without requiring the concurrence in such app interested in such lands; and all the provisions this Act respecting the exchange of lands shall the exchange of such respective shares, gates, or I of the map or plan by the said recited Act direct of exchange, the commissioners may cause to be annexed such descriptions as may appear to then respective shares, gates, or rights, and such respec

> XII. AND whereas by the said Act provision use for the purposes of any inclosure under the sa

district in Ireland, and the other party to such intended resident within another registrar's district in Ireland.

II. AND be it enacted, that in the case of a m solemnized in Ireland between parties one of whom si land, it shall be lawful for such party to obtain fro congregation in Scotland of which he or she shall b one calendar month preceding a certificate under his l intended marriage of such parties have been duly pu such congregation on three several Sundays; and fro tion of seven days from the granting of such certificat certificate to the person duly authorized in Ireland un said first-recited Act to grant a licence for marriage valid and effectual to all intents and purposes for au grant a licence for marriage, and such certificate shall for all other purposes under the provisions of the certificate of a registrar of a district in Ireland woul such party giving such notice were resident within and the other party to such intended marriage : another registrar's district in Ireland.

III. AND whereas it is by the said Act, among that no surrogate or other person having authority marriages shall grant any licence for marriage, no until seven days after notice shall have been given shall have resided for not less than seven days th parish named in that notice, under his or her hand tioned, to such surrogate or other person having an aforesaid, which notices he shall file and keep wit and that such surrogate or other person shall for notice to the incumbent or incumbents of the par parties intending marriage dwell: And whereas have no parish church or chapel belonging the where divine service is usually solemnized every S extra-parochial; and it is expedient to make T other cases, as herein-after mentioned: Be it ena there shall be no parish church or chapel belon divine service shall be usually solemnized ev parochial places whatever having no public cl lawfully published or marriage celebrated, sh belong to any parish or chapelry having such ch for the purposes of the said recited Act and thi shall be published in any church or chapel of an to any such parish or chapelry where there sha none wherein divine service shall be solemnized parochial place as aforesaid, the parson, vicar, such banns shall, in writing under his hand, cert act in all things in the same manner as if eithe had dwelt in such adjoining parish or chapelry.

IV. AND be it enacted, that if the church of chapelry, wherein marriages may have been us

Where one of the parties shall be resident in Scotland, a certificate of the banns having been published on three several Sundays in the congregation in Scotland of which the party is a member shall be obtained from the minister, which on production shall authorize the grant of a licence under 7 & 8 Vict. c. 81.

7 & 8 Viet. c. 81. s. 2.

Parishes having no parish church, &c., and extra parochial places having no chapel wherein banns may be published, &c. to be deemed for the purpose of recited Act and this Act only to belong to adjoining parish. Publication of

When parish church is in ruins, or under

banns in such

adjoining parish.

Upon payment of the consideration money, commissioners shall not apportion the rentcharge, but shall certify that it has been redeemed, and that the parish is discharged.

Power to owners of land properly charged with part of rentcharge, to redeem the residue when erroneously apportioned on lands not within the parish, instead of having a new apportionment.

After redemption of the portion of rent-charge so erroneously apportionment of the remainder to be valid.

II. AND be it enacted, that in every case in which not exceeding fifteen pounds as aforesaid, has been or si paid, the commissioners shall give notice, in such mann fit, of the time within which it shall be lawful for the charged therewith, or any of them, to redeem such rer shall appear to the commissioners that the consider redemption of such rent-charge as aforesaid shall have the provisions of this Act, within the time limited by within any enlarged time which the commissioners r their hands and seal allow for that purpose, no app charge shall be made, but the commissioners shall, by hands and seal, certify that such rent-charge has been parish is discharged of such rent-charge, and of the such rent-charge was agreed or awarded to be paid, a commissioners shall think reasonable and declare, thenceforth discharged according to the terms of suc

III. AND be it enacted, that in every case in whapportionment confirmed under the provisions of charge or portion of rent-charge has been or shall error as to boundary or otherwise) charged on land respect of the tithes of which the aggregate rent-charge which shall have been so confirmed was agreed or rent-charge or portion of rent-charge so charged parish shall be redeemable on payment by the own with the residue of such aggregate rent-charge, or money equal to twenty-four times the amount of rent-charge hereby made redeemable, and it shall sioners, before they shall proceed to direct a new at that the rent-charge or portion of rent-charge so lands not within the parish may be redeemed, Act, within a time in such notice to be limited in

IV. And be it enacted, that when it shall app the consideration money for the redemption of t rent-charge so charged by such instrument of within the parish shall have been paid, according within the time which shall have been limited behalf, or within any enlarged time which the under their hands and seal allow for that purpo (if any) have been paid, the commissioners sha certify that such rent-charge or portion of rent thenceforth, except as respects the lands so err charge or portion of rent-charge apportioned t charges made by such instrument of apportion in such and the same manner as if the aggreg consisted only of the sum of the portions ch parish, and had been apportioned on such land in the instrument of apportionment expressed.

V. And be it enacted, that in every case instrument of apportionment or any altered a of the said Acts, the whole amount of the res

Separate rentcharges, not exceeding twenty shillings payable to spiritual owners to be paid to governors of Queen Anne's bounty, to be applied in angmentation of benefices. under any apportionment to any spiritual person in respect of his benefit or cure shall be paid to the "Governors of Queen Anne's Bounty for the "Augmentation of the Maintenance of the poor Clergy," and such consideration money shall be applied and disposed of by the said governors as more in their hands appropriated for the augmentation of such benefice or a should by law and under the rules of the said governors be applied disposed of; and the receipt of the treasurer of the said governors shall sufficient discharge for such consideration money, and the person payin same to such treasurer shall not be concerned to see to the applicate disposal thereof.

Consideration money, in case of owners of rent-charges under disability, how to be paid and applied.

IX. AND be it enacted, that in all other cases in which the person time being entitled to any rent-charge or apportioned rent-charge su be redeemed under the provisions of this Act shall be only entitled for a limited estate or interest therein, or shall be under any disability be a corporation not authorized to make an absolute sale of such re otherwise than under the provisions of this Act, the consideration be paid for the redemption thereof shall be applied in manner provided; (that is to say,) shall, at the option of the person for the entitled as aforesaid, be paid into the Bank of England in the man the privity of the accountant general of the Court of Chancery, to his account there ex parte the Tithe Commissioners, pursuant to prescribed by any Act for the time being in force for regulating mor the said court, and such monies shall remain so deposited until applied to some one or more of the following purposes; (that is purchase or redemption of the land tax, or the discharge of incumbrance affecting the rent-charge in respect of which such have been paid, or the tithes for which the same shall have been or affecting other hereditaments settled therewith to the sar uses, trusts, or purposes; or in the purchase of other lands, t limited, and settled upon the like uses, trusts, purposes, ar manner, as the rent-charge for redemption of which such m been paid stood settled; or in payment to any party beco entitled to such money; and such money may be so applied : an order of the Court of Chancery made on the petition would have been entitled to the receipt of the rent-charge in such money shall have been deposited; and until the money it may, upon the like order, be invested by the said account purchase of three per centum consolidated or three per cer annuities, or in government or real securities, and the div to the party who would for the time being have been e charge in case the same had not been redeemed; or otherwi money may be paid, at the like option of the person for entitled, to the trustees acting under the will, conveyance which such person having such limited interest shall be en in such rent-charge, or if there are no such trustees, the trustees to be nominated under the hands and seal of the and the money, when so paid to such trustees, shall be trustees, with the consent of the said commissioners, in before directed concerning any money to be paid for reder of England in the name and with the privity of the said

make or confirm an altered instrument of apportion distribution of the lands, in order that the rent-charges originally charged on the several portions been taken or allotted away from the former owner allotted, or exchange, shall be charged on the la allotted or received in the way of substitution or os taken or allotted away from the former owners as circumstances will admit; and every such alternative or confirmed under the hands and seal of the comm from the date of such confirmation, and shall be taken original apportionment.

Such alteration, when confirmed, to be valid.

Expences of alteration of apportionment shall be borne by owners of lands to which it shall relate, and shall be recoverable from them as expences of original apportionment.

XIV. And be it enacted, that all the expences of last aforesaid shall be borne by the owners of the lapportionment shall relate, and shall be recover expences chargeable on the same owners in or about apportionment of the sum of the rent-charges or respectively would have been recoverable; and all Acts in relation to such of the expences of or incitionment of a rent-charge as are payable by the owner in shall extend and be applicable to the apportionment.

XV. And be it enacted, that where by any agree the previous of the said Acts a rent shape have been recovered.

Supplemental apportionment of rent-charge originally made payable to one owner in respect of tithes in fact belonging or afterwards descending to several owners, or held in separate rights.

XV. And be it enacted, that where by any agree the provisions of the said Acts a rent-charge ha agreed or awarded to be paid to any person in lieu apportionment of such rent-charge shall have been the provisions of the said Acts it shall appear that aggregate tithes in lieu of which such rent-charge or awarded to be paid, or some portion or undivid included, were or was at the time of such agreemen some person other than the person to whom the agreed or awarded to be paid, or that the whole of aggregate in respect of which such rent-charge was paid were not held by the person to whom such re awarded to be paid in the same right and for th subject after the determination of the estate of suc tations or estates, legal and equitable, it shall be la in any of the cases aforesaid, in pursuance of or in a or direction of a court of equity of competent jurisd writing of the parties who for the time being in commutation would have been the owners of all ti aggregate, to make or confirm a supplemental awar rent-charge in such manner that, without altering rent-charge to which any owner of land may be su or separate portions of rent-charge may be made ; would have been owners of the tithes in case they in lieu of the several tithes or portions of tithe i which would belong to different persons, or be held subject to different limitations or estates; and by and apportionment the commissioners, if they shall may be altered by quarter sessions. William the Fourth is directed to be deposited with t or chapel wardens for the time being, or such other missioners shall approve, shall be alleged to be inconthe persons interested therein, or otherwise inconver lawful for any person interested in the lands or re apportionment shall relate to apply to the court of g the peace for the county, riding, division, or place deposit shall be situate for an order for the deposit of convenient or secure custody or place, and fourteen every such application shall be given to the person copy shall at the time of such application be deposite for the court at the quarter session for which such not and determine such application in a summary way, o fit, adjourn it to the following session; and upon the tion the court may, if they think fit, order such cop custody of the persons with whom the same shall ha be deposited with such other persons or in such ot having reference to the security and due preservation convenience of the parties interested therein, may such order concerning the notice to be given of such concerning the costs of such application, or of any o may think reasonable.

XVIII. And be it enacted, that where by any agr

made or hereafter to be made a rent-charge shall have

to be paid instead of the tithes of any parish, or inst

and shall not have been apportioned, it shall be la

under the provisions of the said recited Acts would l

such agreement or award had not been made to m

which such rent-charge shall have been agreed or awa

of the same tithes as were payable out of part of the

shall pay such portion of the expences of or incident the commissioners or any assistant commissioner may stances order to be paid by such owner, instead of the

Tithes or rentcharge in lieu thereof may be merged after agreement or award, but before apportionment, as to all or any of the lands chargeable;

or declaration, to be made in such form as the comm and to be confirmed under their hands and seal, to which he would have been so entitled to merge shall, lands, or, if he shall think fit, so far as respects only lands out of which the same were payable, and the rent-charge which shall have been awarded or ought thereof on such lands, or specified parts of such la shall be merged, and such merger shall take effect such merger shall extend to all the lands which wou with such rent-charge, no apportionment of such re under the provisions of the said recited Acts; but i extend to part only of the lands which would have b rent-charge, then such portion of the rent-charge sha the other lands which would have been chargeable such other lands would have been subject to in ca taken place; and the owner of the land to which s

if merged as to all, no apportionment shall be made; if as to some only, the residue of the rent-charge shall be apportioned upon the residue of the lands chargeable.

CHAPTER LXXIV.

An Acr to encourage the Establishment of public Baths and Wash-h
[26th Augu

THEREAS it is desirable, for the health, comfort, and welfar

This Act may be adopted in boroughs in England subject to 5 & 6 Will. 4. c. 76. &c., and in parishes not within any such borough. inhabitants of towns and populous districts, to encourage the ment therein of public baths and wash-houses, and open bathing place enacted by the Queen's most excellent Majesty, by and with the acconsent of the lords spiritual and temporal, and commons, in this Parliament assembled, and by the authority of the same, that this Ac adopted for any incorporated borough in England which is regulated Act passed in the sixth year of the reign of his late Majesty, to profit the regulation of municipal corporations, or any charter granted in of the said Act, or any Act passed for the amendment thereof, and the approval of one of her Majesty's principal secretaries of state parish in England not within any such incorporated borough.

Interpretation of Act.

II. AND be it enacted, that in this Act the following words and e shall have the several meanings hereby assigned to them, unless ther thing in the subject or context repugnant to such construction; that

" Borough."

" Borough" shall mean city, borough, port, cinque port, or town or

"Churchwardens." "Churchwardens" shall mean also chapelwardens, or other percharging the duties of churchwardens:

"Overseers."

"Overseers" shall mean also any persons authorized and require and collect or cause to be collected the rate for the relief of t the parish, and acting instead of overseers of the poor:

" Vestry."

"Vestry" shall mean the inhabitants of the parish lawfully ass vestry, or for any of the purposes for which vestries are hold in those parishes in which there is a select vestry elected under an Act passed in the second year of the reign

1 & 2 Will. 4. c. 60.

Majesty, intituled "An Act for the better regulation of vestr" the appointment of auditors of accounts, in certain parishes "and Wales," or elected under the provisions of any local Act ment for the government of any parish by vestries, in which

"Commissioners."

"Commissioners" shall mean the commissioners appointed in with this Act for any parish, and for the time being in office as such commissioners:

shall mean such select vestry:

" Clerk."

"Clerk" shall mean, as regards an incorporated borough, the torsuch borough; and, as regards a parish, the clerk appointed this Act by the commissioners:

" Justice."

"Justice" shall mean justice of the peace for the county, ridire liberty, borough, or place, where the matter requiring the conjustices shall arise:

" Lands."

" Lands" shall mean lands, tenements, and hereditaments, of nature or tenure:

Gender.

Words importing the masculine gender shall include the feminine

Vacancies to be filled up by vestry.

Meetings of the commissioners.

Special meetings of commissioners.

Quorum of meetings of commissioners.

Commissioners may appoint and remove officers, and pay their salaries, and may hire an office.

Minutes of proceedings of commissioners to be entered in a book and signed. Books to be

evidence.

Commissioners to keep accounts, which shall be open to inspection.

Penalty for refusing to allow inspection,

Auditors to be appointed yearly, who VIII. AND be it enacted, that any vacancies in the commissionership may be filled up by the vestry, when and as the vestry shall think fit.

IX. AND be it enacted, that the commissioners shall meet at least once in every calendar month at their office, or some other convenient place previously publicly notified.

X. And be it enacted, that the commissioners may meet at such other time as at any previous meeting shall be determined upon, and it shall be at all times competent for any one commissioner, by writing under his hand to summon, with at least forty-eight hours notice, the commissioners for any special purpose therein named, and to meet at such times as shall be therein named.

XI. And be it enacted, that at all meetings of the commissioners any number not less than one third of the whole number when more than three commissioners shall have been appointed, and when only three commissioners shall have been appointed then any number not less than two commissioners, shall be a sufficient number for transacting business, and for exercising all the powers of the commissioners.

XII. AND be it enacted, that the commissioners shall appoint, and may remove at pleasure, a clerk and such other officers and servants as shall be necessary for effecting the purposes of this Act, and, with the approval of the vestry, may appoint reasonable salaries, wages, and allowances for such clerk, officers, and servants, and, when necessary, may hire and rent a sufficient office for holding their meetings and transacting their business, and may agree for and pay a reasonable rent for such office.

XIII. And be it enacted, that all orders and proceedings of the commissioners shall be entered in books, to be kept by them for that purpose, and shall be signed by the commissioners, or any two of them; and all such orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings; and such books may be produced and read as evidence of all such orders and proceedings upon any appeal, trial, information, or other proceeding, civil or criminal, and in any court of law or equity whatsoever.

XIV. AND be it enacted, that the commissioners shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Act in the parish, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money shall have been paid and such liabilities shall have been incurred; and such books shall at all reasonable times be open to the examination of every commissioner, churchwarden, overseer, and rate-payer, without fee or reward, and they respectively may take copies of or extracts from such books, or any part thereof, without paying for the same; and in case the commissioners, or any of them, or any of their officers or servants having the custody of the said books, being thereunto reasonably requested, shall refuse to permit or shall not permit any churchwarden, overseer, or rate-payer to examine the same, or take any such copy or extract, every commissioner, officer, or servant so offending shall for every such offence forfeit any sum not exceeding five pounds.

XV. And be it enacted, that the vestry shall yearly appoint two persons not being commissioners, to be auditors of the accounts of the commissioners

parishes shall, in the management of the said baths bathing places, form one body of commissioners, as the execution of this Act, and the accounts and sioners shall be examined and reported on by th parishes; and the surplus money at the disp commissioners shall be paid to the overseers of su the same proportions as those in which such parisi expences.

Incorporation of commissioners. XX. AND for the more easy execution of the enacted, that the commissioners of every such paris with perpetual succession, which shall not be deem partial or total vacancy from time to time in their "Commissioners for public Baths and Wash-houses "in the County of ()," and by that name courts, and before all justices and others, and me seal, and by that name may take, hold, and converge for the purposes of this Act.

Councils and commissioners, &c. may borrow money for the purposes of the Act, with the approval of the Treasury.

XXI. AND be it enacted, that for carrying this borough or parish respectively, the council, with the sioners of her Majesty's Treasury, and the commiss the vestry, and also with the approval of the commission of the commission of the commission of the case may be, of the borough furelief of the poor of the parish, the money which may required, and shall apply the monies so borrowed a state of the case may be it appeted that the commission of the parish commission of the parish case which is applied that the commission of the parish commission of the parish case which is applied that the commission of the parish case which is applied that the commission of the parish case which is applied that the commission of the parish case which is applied that the commission of the parish case which is applied that the commission of the parish case which is applied to the parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a parish case which is a p

The public works loan commissioners may advance money for the purposes of this Act. XXII. AND be it enacted, that the commissioners an Act passed in the second session of the fifth year intituled "An Act to authorize the advance of mo "fund to a limited amount for carrying on publi" employment of the poor; and to amend the Act "Exchequer bills for the like purposes," may from council of any such borough, or [Rep., Stat. Law Rev. A any such parish respectively, for the purposes of the provisions of the recited Act or the several Acts the upon security of the borough fund, or [Rep., Stat. Law for the relief of the poor of the parish, as the case Act, 1875.].

Provisions of 8 & 9 Vict. c. 16. as to borrowing money, accountability of officers, bye laws, damages, and penalties, incorporated with this Act. XXIII. AND be it enacted, that the provisions Consolidation Act, 1845, with respect to the bo company on mortgage, and the provisions of the sa accountability of the officers of the company, and Act with respect to the making of bye laws, subjet after contained, and the provisions of the same Act of damages not specially provided for, and penaltic may respectively be applicable to the purposes of tively incorporated with this Act; and the exprapplicable to the company and the directors shall a to the council, and, as regards a parish, to the commerciance with under such provisions are required.

newspapers published in the county in which the b situated, expressing the intention of entering int that any person willing to undertake the same that purpose, to be offered to the council or co time and place in such notice to be mentioned; but on the council or commissioners to contract with lowest price.

XXVII. And be it enacted, that the council of a

commissioners, with the approval of the vestry, of

Council or commissioners may purchase existing baths, &c.

Trustees of such baths, &c. empowered to sell or lease them.

they shall think fit, contract for the purchase or least houses already or hereafter to be built and provide parish, and appropriate the same to the purposes additions or alterations as they shall respectively trustees of any public baths and wash-houses which hereafter be built or provided in any such borough scriptions or otherwise, may, with the consent of borough, or with the consent of the commissioners a of any such parish, and with the consent of a major other persons by whom they were appointed truste baths and wash-houses to the said council or com make over to them the management of such baths all such cases the baths and wash-houses so purcha the management has been so made over, shall be provisions of this Act as fully as if they had been said council or commissioners; and the property the mayor, aldermen, and burgesses in the case of a be

Power to water and gas companies to supply water and gas to baths, &c. either without charge or on reduced terms.

Councillors and commissioners not to be personally liable.

XXVIII. And be it enacted, that any commutation trustees of waterworks, water companies, canal composition compositions, bodies, and persons having the movement works, canals, reservoirs, wells, springs, and streams respectively, may in their discretion grant and furgas for such public baths and wash-houses and op without charge or on such other favourable terms as XXIX. And be it enacted, that nothing in this and wash-houses are compositions.

sioners in the case of a parish.

any member of the council of any borough or any or any of their lands, goods, chattels, or monies, (oth chattels, or monies as may be vested in or under to f the council or commissioners respectively in pure to the payment of any sum of money as or by way faction for or in respect of any thing done or sufthis Act.

Persons may appeal against orders of councils and commissioners, as against orders of justices under 8 & 9 Vict. c. 16.

XXX. AND be it enacted, that every person who any bye law, order, direction, or appointment of or sioners shall have the like power of appeal to the gunder the provisions of the Companies Clauses incorporated with this Act, he might have if feeling mination of any justice with respect to any penalty.

Proportion of baths for the labouring classes.

the wash-houses shall be put up in some convenien tub or trough, or every pair of washing tubs or tro

XXXVI. And be it enacted, that the number classes in any building or buildings under the man or commissioners shall not be less than twice the higher class, if but one, or of all the baths of any one, in the same building or buildings.

Recovery of charges at wash-houses.

XXXVIII. AND be it enacted, that for the rec wash-houses the officers, servants, and others havi may detain the clothes brought to be washed, or any person refusing to pay the charge to which su any part thereof, till full payment thereof be m ment be not made within seven days may sel chattels, or any of them, returning the surplus deducting the unpaid charge and the expences of

Penalty on officers taking fees beyond salaries, or being interested in contracts;

the unsold articles, if any, on demand, to such per XXXIX. And be it enacted, that if any clerk o who shall be in anywise employed by any council suance of this Act, shall exact or accept any fee on account of any thing done or forborne or to b suance of this Act, or on any account whatsoever

into execution, other than such salaries, wages,

also on councillors or commissioners taking fees or accepting offices, or such bargain or contract, every such person so off

been appointed by the council or commissioners, cerned or interested in any bargain or contract a missioners for or on account of any thing done or forborne in pursuance of this Act, or on any acc the putting of this Act into execution, or if any holds the office of member of the council or comm any such fee or reward, or shall accept or hold created by virtue of this Act, or be concerned d

Application of penalties.

being interested in contracts.

> XL. And be it enacted, that such part of any Act as shall not be awarded to the informer shall regards a borough, of the borough fund, and, as regards the relief of the poor thereof.

> ever serving or being employed under this Act, and

also forfeit the sum of fifty pounds.

SCHEDULES referred to by the f

SCHEDULE (A.)

Bye laws to be made in all

For securing that the baths and wash-houses as be under the due management and control of the appointed or employed in that behalf by the council

soever; any royal charter, grant, or letters patent, or bye law, to the contrary notwithstanding.

Nothing in this Act to repeal or alter 23 & 24 Geo. 3. (I.) c. 23. or 47 Geo. 3. sess. 2. c. 15;

V. PROVIDED always, and be it enacted, that n shall repeal or alter any thing contained in an A of Ireland in the session held in the twenty-third the reign of his late Majesty King George the T regulate the assay of gold, and promote the ma wares in this kingdom," or an Act passed in the

reign of his said late Majesty King George the To provide for the regulating and securing the color and silver plate wrought or manufactured in Irected Acts as is now in force.

VI. PROVIDED always, and be it enacted, the

or affect 3 & 4 Vict. c. 109;

> or 31 Geo. 3(I.) c. 34.

shall in any manner alter or affect the provision session of Parliament held in the third and fourth present Majesty, intituled "An Act for the regule" tions in Ireland," or the construction thereof, but and applied as if this Act had not passed: Provide contained shall in any manner alter or affect any passed in the thirty-first year of the reign of his the Third, intituled "An Act for the more effectual" his Majesty's subjects, for erecting an apoth "Dublin, and regulating the profession of an "kingdom of Ireland," or the rights, privileg governor and company of the Apothecaries Hall of

CHAPTER LXXV

An Acr to amend the Acts relating to the Offices

52 Geo. 8. c. 11. WHEREAS an Act was passed in the fifty-sec Majesty King George the Third, intituled passed in the thirty-ninth and fortieth year of establishing certain regulations in the offices of and to establish other and further regulations whereas another Act was passed in the third year King William the Fourth, intituled "An Act for dignity of the speaker of the House of Comm

c. 105.

2 & 3 Will. 4.

" office or place of profit during pleasure under another Act was passed in the fifth year of the reig William the Fourth, intituled "An Act to regulate" of the House of Commons and to abolish the

" speaker of the House of Commons for the tin

" of the House of Commons, and to abolish the s " committee clerks and clerk of ingrossments": A the said Acts, and of the recommendations contain

select committees of the House of Commons, the very payable in the several offices and departments of the

4 & 5 Will. 4. c. 70.

mentioned and provided for in the said recited Acts as all other the fees, perquisites, and emoluments payable in the said several offices and departments, are now paid to the account of the commissioners for regulating the offices of the House of Commons appointed by virtue of the said first-recited Act, and an estimate of the salaries and expences of the said house is annually laid before the House of Commons; and it is expedient to amend the said Acts: Be it therefore enacted by the Queen's most excellent Majesty, by and All fees, &c. of with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the person or persons appointed by the said commissioners acting under the the collector provisions of the said first-recited Act to collect the fees, perquisites, and appointed emoluments of the clerk of the House of Commons, the clerk's assistant, the recited Act. serieant-at-arms, and the deputy serjeant-at-arms, shall in like manner collect the fees, perquisites, and emoluments appertaining to the offices of the speaker of the House of Commons and of the speaker's secretary, and also all fees, perquisites, and emoluments payable in the several offices of the clerk of the House of Commons and in the department of the serjeant-at-arms, and shall pay the money so collected into the Bank of England to the account directed Money collected to be established by the said first-recited Act, and called "The Account of the Bank of Eng-" Commissioners for regulating the Offices of the House of Commons"; and land to the the person so collecting such sums shall from time to time, and at such times ted by the and in such manner as the speaker of the House of Commons or the said commissioners shall direct, render to the said speaker or commissioners a full and Account to be true account of all the sums of money to be received by him by virtue of this rendered by collector. and the said recited Acts.

officers of the House of Commons to be collected by under first-

to be paid into

monies so

II. And be it enacted, that the money so paid to the said account shall be applied, Application of first, in payment of the salaries of the clerk, clerk's assistant, serjeant-at-arms, deputy serjeant-at-arms, and speaker's secretary, as directed by the said Acts, or any other paid to such Act for the time being in force relating to such offices, and, next, in payment of the salaries and superannuation and other allowances and expences in the offices of the clerk of the house, and in the departments of the speaker and the serjeant-at-arms, and in payment of any other charges and expences of the House of Commons, as such payments may from time to time be directed by the said speaker or by the said commissioners, in conformity with the estimate of such salaries, allowances, superannuations, charges, and expences directed to be laid before the House of Commons as herein-after mentioned; [Rep., Stat. Law Rev. Act, 1875.] .

. . . . an estimate shall annually be prepared by An estimate to the clerk of the house, the serjeant-at-arms, and the speaker's secretary, be annually respectively, of the sums which will probably be required in their several the probable departments for the payment of salaries, allowances, and contingent expences for the salaries during the year ending on the first day of April in the following year; and and expences such estimates shall be submitted to the speaker for his approbation, and, the house. subject to such approbation, and to such alterations as the speaker shall consider proper, shall be embodied, together with an estimate of the sums which will be required for the payment of retired allowances and compensation for loss of office, in one estimate; ; and such estimates, Estimates to be signed by the speaker, shall be transmitted by him to the commissioners of Treasury, and her Majesty's Treasury for their approval, and shall be laid before the House laid before of Commons with the other estimates.

be annually of the offices of

V. AND be it enacted, that for the purposes of the said first-recited Act and Speaker to act this Act the person who shall fill the office of speaker of the House of Coming dissolution

House of Commons with other estimates. of Parliament.

Commissioners to act on death or in absence, &c. of speaker.

mons at the time of any dissolution of Parliame speaker until a speaker shall be chosen by the the event of the death or disability or absence if during any dissolution or prorogation of Parlian three of the said commissioners to execute any first-recited Act or this Act.

CHAPTER LXX

An Act to extend and consolidate the Power Commissioners of Public Works in Irelan Commissioners.

THEREAS an Act was passed in the first a

1 & 2 Will. 4. c. 33.

of his late Majesty King William the I "the extension and promotion of public works i the said Act it is enacted, that it should and m most excellent Majesty, by warrant or warrants to nominate three persons to be commissioners Act during his Majesty's pleasure, and to remove and in like manner to nominate another or other persons so removed, and the said persons so to be should be and they were thereby constituted and a

6 & 7 Will, 4. c. 108.

7 Will. 4. & 1 Vict. c. 21.

1 & 2 Vict. c. 88.

2 & 3 Vict. c. 50.

5 & 6 Vict.

6 & 7 Viot. c. 44.

9 & 10 Vict. c. 1.

in the sixth and seventh years of the reign of hi " An Act to amend an Act passed in the first a " of his present Majesty, for the extension and p " Ireland": And whereas another Act was pa

execution of the said Act: And whereas an Act wa

reign of her present Majesty, intituled "An Ac " extension and promotion of public works in Ire Act was passed in the session holden in the first a of her present Majesty, intituled "An Act to aut

" chequer bills for public works and fisheries, as

" and to amend the Acts relating thereto": A passed in the session holden in the second and th present Majesty, intituled "An Act to amend and " Acts for the extension and promotion of public a " recovery of public monies advanced for the u

" other districts in Ireland on the faith of gr " parochial assessments": And whereas another year of the reign of her present Majesty, intituled " advance of money out of the consolidated fur " carrying on public works and fisheries, and emp

" amend the Acts authorizing the issue of Excheq And whereas another Act was passed in the sess

seventh years of the reign of her present Majesty, " the Acts for carrying on public works in Irela

Act was passed in the ninth year of the reign of h " An Act for the further amendment of the Acts

" motion of public works in Ireland": And whereas another Act was passed in the present session of Parliament, intituled "An Act to authorize the appli-" cation of money to a limited amount for the purposes of loans for carrying " on public works in Ireland": And whereas by the said recited Act of the second and third years of the reign of her present Majesty it is, amongst other things, enacted, that in the said Act, and in any other Act passed or which might be thereafter passed, the expression "commissioners of public works in " Ireland" should be construed to mean the commissioners for the time being appointed under and acting in execution of the said first herein-before recited Act of the first and second years of the reign of his said late Majesty, and the other Acts amending the same : And whereas lieutenant colonel Harry David Jones, Brook Taylor Ottley, and John Radcliff, esquires, have been appointed and are now the commissioners of public works in Ireland acting in the execution of and under the provisions of the said severally recited Acts: And whereas an Act was passed in the session holden in the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled "An Act 5 & 6 Will. 4. " for the improvement of the navigation of the river Shannon": And whereas c. 67. another Act was passed in the session holden in the second and third years of the reign of her present Majesty, intituled "An Act for the improvement of 2 & 9 Vict. "the navigation of the river Shannon": And whereas the improvements c. 61. authorized to be executed under the said two last-recited Acts in the river Shannon have been considerably advanced towards completion, and the duties of the commissioners for the execution of the said two last-recited Acts may now, with advantage to the public service and economy to the resources of the nation, be performed and discharged by the commissioners of public works for the time being:

9 & 10 Vict.

II. And be it enacted, that from and after the said thirtieth day of Septem- The commisber one thousand eight hundred and forty-six the commissioners of public sioners of works in Ireland for the time being shall be the commissioners for the execution in Ireland to of the said two last-recited Acts for the improvement of the navigation of the sioners for the river Shannon; and all the powers, authorities, and privileges, rights, titles, execution of and interests, now or heretofore vested in the commissioners for the execution of improvement the said two last-recited Acts, shall vest in and devolve upon and shall be of the Shanrespectively used, exercised, and enjoyed by the commissioners of public works non navigation. in Ireland for the time being, who shall for the purposes of the said last-recited Acts be and be deemed to be in the place and stead of the persons heretofore being commissioners for the execution of the said two last-recited Acts.

III. And whereas an Act was passed in the session holden in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to promote 5 & 6 Vict. " the drainage of lands, and improvement of navigation and water power in c. 89. " connexion with such drainage, in Ireland": And whereas the said lastmentioned Act has since been amended by an Act of the eighth and ninth 8 & 9 Vict. years of the reign of her present Majesty, and has been further amended by an c. 69.

9 & 10 Vict. Act of the ninth year of the reign of her present Majesty: And whereas an c. 4. Act was passed in the sixth year of the reign of her present Majesty, intituled 5 & 6 Vict. "An Act to regulate the Irish fisheries": And whereas another Act was 8 & 9 Vict. passed in the session holden in the eighth and ninth years of the reign of her c. 108. present Majesty, intituled "An Act for the further amendment of an Act of "the sixth year of the reign of her present Majesty, for regulating the Irish

9 & 10 Viet. c. 3.

" Ireland, by promoting and aiding with grants of " tion of piers, harbours, and other works": And of public works in Ireland for the time being are execution of the said severally recited Acts for the of land, regulating the Irish fisheries, and encoura promoting with grants the construction of piers and power is given by certain of said Acts to the le Majesty's Treasury to appoint additional commission missioners of public works in the execution of the s reason of additional commissioners of public works after provided, it will be unnecessary that there commissioner or commissioners to assist the said works in the execution of the said recited Acts, or a enacted, that from and after the passing of this Act so m the fifth and sixth years of the reign of her present M " promote the drainage of lands, and improvement of n " connexion with such drainage, in Ireland," and of the s Acts amending the same, and also of the said recited Act of her present Majesty, intituled "An Act to regulate the recited Acts or any other Act amending the same, and ninth year of the reign of her present Majesty, intitule " sea fisheries of Ireland, by promoting and aiding with construction of piers, harbours, and other works," a of additional commissioners or an additional commissioners of public works in the execution of the said the same is hereby repealed; [Rep., Stat. Law Rev. Act,

"fisheries": And whereas an Act was passed in to of her present Majesty, intituled "An Act to ence

IV. And whereas by reason of the transfer to the works in Ireland of the duties heretofore discharged the execution of the said recited Acts for the impr of the river Shannon, as well as the various other d recited Acts and otherwise imposed upon the sai works, it has been found necessary and it is expe commissioners of public works should be appointed said several recited Acts and this Act: Be it there and may be lawful for the Queen's most excellent warrants under the royal sign manual, to nominate the said persons so as aforesaid appointed and now public works, two persons, who with the said last shall be the commissioners of public works in Irelan to all intents and purposes as the commissioners o were and existed before the passing of this Act, and for the execution of the said several Acts herein-before and also of all other Acts for the execution of wi public works in Ireland are commissioners.

V. And be it enacted, that it shall and may be la excellent Majesty to remove either of the said commit or any of the commissioners heretofore appointed v. Act, and in like manner to nominate another or operson or persons so removed, or in the stead of any being removed or dying or resigning: Provided how

So much of recited Act 5 & 6 Viet. c. 89. and of Acts amending the same, also of 5 & 6 Viet. c. 106. and of Acts amending the same, and also of 9 & 10 Vict. c. 3., as authorizes the appointment of additional commissioners, repealed.

Power to appoint two additional commissioners of public works.

Commissioners of public works to be commissioners for execution of recited Acts.

Power to remove commissioners, and appoint others in their stead.

be at any one time more than five persons commissioners of public works in Number of Ireland for the execution of the said severally recited Acts, and all other Acts limited to five, for the execution of which the commissioners of public works shall have been appointed or are the commissioners.

VI. AND be it enacted, that all acts, matters, and things which the commis- Two of the sioners of public works are by any of the provisions of the said recited Acts commissioners may act, or any of them, or this Act, required or authorized to do or execute shall and may be done and executed by any two of the commissioners of public works for the time being; and that the commissioners of public works in Ireland for Style of comthe time being may hereafter be called, known, and described by the name of "The Commissioners of Public Works in Ireland."

VIII. AND be it enacted, that no obligation, contract, agreement, assign. No obligation, ment, deed, conveyance, or other instrument whatever, taken or made to or by affidavit, &c, the said commissioners for the execution of the said Act of the first and second taken or made years of the reign of his late Majesty King William the Fourth, for the exten- Will. 4. c. 33. sion and promotion of public works in Ireland, or any of the Acts amending and amending Acts to be the same, nor any affidavit, deposition, certificate, order, or receipt, to be liable to stamp respectively taken or made under or by virtue of the said last-mentioned duty. Acts, or any of them, shall be liable to any stamp duty whatever, any thing in any Act or Acts in force in Ireland to the contrary in anywise notwithstanding.

IX. And be it enacted, that it shall and may be lawful for the commis- The Treasury sioners of her Majesty's Treasury, or any three or more of them, from time to ac, to appoint time to fix and appoint such salaries as they may think fit for the said com- additional missioners of public works, and also to appoint such additional and other make rules and officers, clerks, and servants, and at such salaries, as the said commissioners of regulations for the Treasury may think proper and necessary, and from time to time to dismiss duties by the such officers, clerks, and servants, and to appoint others in their place and commissioners stead, and also to make such orders, rules, and regulations, and from time to works. time to vary and alter the same, as they the said commissioners of her Majesty's Treasury may think necessary and proper for the full and effectual execution of the provisions of the said recited Acts and this Act, and of the discharge of the duties of the commissioners of public works for the time being thereunder.

CHAPTER LXXXVII.

AN ACT for promoting the voluntary Establishment in Boroughs and certain Cities and Towns in Ireland of public Baths and Wash-houses.

[26th August 1846.]

THEREAS it is desirable, for the health, comfort, and welfare of the inhabitants of cities and towns in Ireland, to encourage the establishment therein of public baths and wash-houses, and public open bathing places: Be it enacted by the Queen's most excellent Majesty, by and with the advice This Act may and consent of the lords spiritual and temporal, and commons, in this present be adopted in Parliament assembled, and by the authority of the same, that this Act may be and borough adopted for any incorporated borough in Ireland which is regulated under an in Ireland regulated under Act passed in the session of Parliament holden in the third and fourth years 3 & 4 Vict.

e. 108.; and also in any city or town in which commissioners have been elected under 9 Geo. 4. c. 82. or any local Act. of the reign of her present Majesty, to provide for the regulation of municipal corporations in Ireland, or any charter granted in pursuance of the said Act, or any Act passed for the amendment thereof; and also for any city or town in Ireland in which any commissioners shall have been or shall be elected under an Act of the ninth year of the reign of his late Majesty King George the Fourth, intituled "An Act to make provision for the lighting, cleaning, "and watching of cities, towns corporate, and market towns in Ireland in "certain cases"; and for any city or town in Ireland in which there shall be commissioners or trustees or other persons appointed for the time being under any local or other Act or Acts, for paving, flagging, lighting, watching, cleansing, or improving such town, or for any of such purposes, and in which respectively there shall not be a town council elected under the provisions of the said Act of the third and fourth years of the reign of her present Majesty.

Interpretation of Act.

II. And be it enacted, that in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction; (that is to say,)

"Town."

"Town" shall include any borough in which commissioners, trustees, or other persons have been or shall be elected or appointed under the provisions of the said Act of the ninth year of King George the Fourth, or any such local or other Act or Acts as aforesaid, for the purposes of executing the provisions or powers of such Act or Acts, or superintending the execution of the same, and in which there shall not be a town council elected under the provisions of the said Act of the third and fourth years of the reign of her present Majesty:

"Town rate."

"Town rate" shall mean the rate or rates authorized in each case to be levied by any such commissioners, trustees, or other such persons as aforesaid, elected or appointed for any city or town under the provisions of the said Act of the ninth year of King George the Fourth, or any such loud or other Act or Acts as aforesaid:

" Town fund,"

"Town fund" shall mean the town fund, or the rates or property vested in and under the control and direction of any such town commissioners for any such city or town as last aforesaid, applicable to the purposes of the said Act of the ninth year of King George the Fourth, or the said Act of the reign of her present Majesty, or any of them, or the rates, funds, or property vested in any such commissioners, trustees, or other persons as aforesaid, under any such local or other Act or Acts as aforesaid, and applicable to the purposes of such local or other Act or Acts:

" Town commissioners," "Town commissioners" shall mean the commissioners for the time being elected under the provisions of the said Act of the ninth year of the reign of his late Majesty King George the Fourth for any such city or town in Ireland, or the commissioners, trustees, or other such persons as aforesaid appointed for the time being under any such local or other Act or Acts as aforesaid for any such city or town, for paving, flagging, lighting, watching, or cleansing or improving the same, or for any of such numbers.

" Clerk."

"Clerk" shall mean, as regards an incorporated borough, the town clerk of such borough, and as regards a city or town in which there shall be commissioners, trustees, or other such persons as aforesaid, under the provisions of the said Act of the ninth year of King George the Fourth, or any such local or other Act or Acts as aforesaid, the clerk appointed by the town commissioners:

"Justice" shall mean justice of the peace for the county, riding, division, "Justice." liberty, borough, or place, where the matter requiring the cognizance of justices shall arise:

"Lands" shall mean lands, tenements, and hereditaments, of whatsoever "Lands." nature or tenure:

Words importing the masculine gender shall include the feminine:

Gender.

Words of the plural number shall include the singular, and words of the Number. singular number shall include the plural.

III. AND be it enacted, that the council of any such incorporated borough Council of any as aforesaid, or the town commissioners for any such city or town as aforesaid, in which there shall not be a town council, may, if they think fit, determine for any city or that this Act shall be adopted for such borough, or for such city or town as adopt this Act, aforesaid; and then and in such case such of the provisions of this Act as are if they think applicable in that behalf shall thenceforth take effect and come into operation in such borough, or such city or town, as the case may be; and this Act shall be carried into execution in such borough, or in such city or town, in accordance with such provisions, and the laws for the time being in force relating to the municipal corporation of such borough, or relating to such city or town, under the provisions of the said Act of the ninth year of his late Majesty King George the Fourth, or of such local or other Act or Acts as aforesaid, as the case may be.

IV. And be it enacted, that the expences of carrying this Act into execution Expences of in any such borough or such city or town in which the council or town commissioners respectively shall have resolved to adopt this Act for their borough execution shall or city or town respectively shall be chargeable upon and paid out of the be charged upon the borough fund or town fund respectively; and for that purpose the council or borough fund town commissioners may levy with and as part of the borough rate or town and levied as rate respectively, or by a separate rate, to be assessed, levied, paid, and recovered part of the borough or in like manner and with the like powers and remedies in all respects as the town rate, or borough rate or town rate, such sums of money as shall be from time to time by a separate necessary for defraying such expences, and shall apply the same accordingly. as if the expence of carrying this Act into execution were an expence necessarily incurred in carrying into effect the provisions of the said Act of the third and fourth years of the reign of her present Majesty, or the said Act of the ninth year of his Majesty King George the Fourth, or of such local or other Act or Acts as aforesaid, as the case may be; and the income arising Income to be from the baths and wash-houses and open bathing places in any borough or carried to city or town shall be paid to the credit of the borough fund or town fund borough or thereof; and the council and town commissioners respectively shall keep town fund, and distinct accounts of their receipts, payments, credits, and liabilities, with accounts kept. reference to the execution of this Act, to be called "The public Baths and " Wash-houses Account."

V. AND be it enacted, that when the town council of any such borough as Town council aforesaid, or the town commissioners for any such city or town as aforesaid, sioners to cause shall have adopted this Act for their borough, city, or town respectively, they separate acshall cause their treasurer, or, where there shall be no treasurer, such person as kept of ex-

penses incurred under this Act.

Accounts, when audited, to be transmitted to lord lieutenant. and a copy to be deposited with the town clerk, &c., and to be open to inspection.

they shall appoint, to keep a true and regular acco expended by them in the purchase of any land or erecting baths or wash-houses thereon, or in the erected, and of all sums of money borrowed by the Act, and of all expences incurred by them for or or this Act; and the said account shall be examine like manner and at the same time as all other ac ments of such borough, city, or town respectively audited; and the said council or town commission after the same shall have been examined and balar the lord lieutenant or other chief governor or gove being a true and correct copy of such account; as commissioners shall also within the time aforesaid to be deposited in the office of the town clerk, or appoint to execute the duties of clerk of such coun one month after the same shall have been audited; be open to the inspection of all inhabitants of and copies thereof shall be delivered to any inhab or town applying for the same, upon payment of same, to be fixed by the town council or town shall be.

Incorporation of town commissioners for this Act.

VI. AND for the more easy execution of the enacted, that the town commissioners of every su the purposes of shall for the purposes of this Act be a body corpo sion, which shall not be deemed to be interrupt vacancy from time to time in their office, by the na " sioners for public Baths and Wash-houses in the " the County of ()," and by that name courts, and before all justices and others, and m seal, and by that name may take, hold, and convey for the purposes of this Act.

Councils and town commissioners may borrow money for the pur-poses of the Aot.

The public works commissioners acting under 6 & 7 Vict. c. 44. may grant loans on security of fund, &c.

VII. AND be it enacted, that for carrying thi borough or city or town respectively the council with the approval of the commissioners of her M time to time borrow at interest, on the security, borough fund or of the town fund, the money wh tively required, and shall apply the monies so borr

Provisions of 8 & 9 Vict. c. 16. respecting borrowing money,

borough

VIII. And be it enacted, that the commission of an Act passed in the seventh year of the rei "An Act to amend the Acts for carrying on pul from time to time make to the council of any such missioners of any such city, borough, or town resp this Act, any loan under the provisions of the said therein recited, upon the security of a mortgage town fund, as the case may be.

IX. And be it enacted, that the provisions of solidation Act, 1845, with respect to the borrowing on mortgage, and the provisions of the same Act v ability of the officers of the company, and the prov respect to the making of bye laws, subject to the provision herein-after accountability contained, and the provisions of the same Act with respect to the recovery of laws, damages damages not specially provided for, and penalties, so far as such provisions may incorporated respectively be applicable to the purposes of this Act, shall be respectively with this Act, incorporated with this Act; and the expressions in such provisions applicable to the company and the directors shall apply, as regards a borough, to the council, and as regards any such city or town as aforesaid, to the town commissioners; and all deeds and writings which under such provisions are required or directed to be made or executed under the common seal of the company shall, in the application of such provisions to this Act, be deemed to be required or directed to be made or executed, as regards a borough, under the common seal of the mayor, aldermen, and burgesses, and, as regards any such city or town as aforesaid, under the common seal of the town commissioners for public baths and wash-houses; and so much of such provisions as are applicable to the "secretary of the company" shall apply to the clerk; and in such of the said provisions as relate to the inspection of accounts. as regards a borough, the burgesses, and, as regards any such city or town as aforesaid, the persons in each case qualified to vote at the election of the respective town commissioners, shall have the privileges of shareholders.

X. And be it enacted, that in any such borough the council, or in any such Councils and city or town the town commissioners, (as the case may be,) with the approval missioners, of the commissioners of her Majesty's Treasury, may from time to time appro- with approval priate for the purposes of this Act in the borough or such city or town any Treasury, may lands vested in the mayor, aldermen, and burgesses, or the town commis-appropriate or sioners respectively; and in any such borough the council, and in any such lands for the city or town as aforesaid the town commissioners, may from time to time purposes of this Act. contract for the purchasing or renting of any lands necessary for the purposes of this Act.

XI. AND be it enacted, that the council and town commissioners respec- Councils and tively may from time to time, on any lands so appropriated, purchased, or town commissioners rented, or contracted so to be respectively, erect any buildings suitable for may erect, &c. public baths and wash-houses, and as to such wash-houses either with or for public without open drying grounds, and make any open bathing places, and convert baths and any buildings into public baths and wash-houses, and may from time to time and open bathalter, enlarge, repair, and improve the same respectively, and fit up, furnish, ing places. with all requisite furniture, fittings, and and supply the same respective conveniences.

XII. AND be it enacted, that the council and town commissioners respec- Councils and tively may from time to time enter into any contract with any persons or town comcompanies for building and making, and for altering, enlarging, repairing, and enter into conimproving, such public baths and wash-houses, and public open bathing places, purposes of and for supplying the same respectively with water, and for lighting the same this Act. respectively, and for fitting up the same respectively, and for furnishing any materials and things, and for executing and doing any other works and things necessary for the purposes of this Act; which contracts respectively shall specify the several works and things to be executed, furnished, and done, and the prices to be paid for the same, and the times when the works and things are to be executed, furnished, and done, and the penalties to be suffered in cases of nonperformance; and all such contracts, or true copies thereof, shall

No contract above 100l. to be entered into unless fourteen days notice has been given to enable persons to make tenders.

contract above the value or sum of one hundred po by the council or the town commissioners for the p previous to the making thereof fourteen days noti more of the public newspapers published in the co or such city or town shall be situated, expressing th such contract, in order that any person willing to make proposals for that purpose, to be offered to the sioners at a certain time and place in such noti shall not be incumbent on the council or town com the person offering the lowest price.

XIII. And be it enacted, that the council of

town commissioners respectively, as the case may b

be entered in books to be kept for that purpose:

Council or town commissioners may

> Trustees thereof may

sell or lease

the same.

purchase ex-isting baths,&c. if they think

fit, contract for the purchase or lease of any baths: hereafter to be built and provided in any such bord as aforesaid, and appropriate the same to the purpo additions or alterations as they shall respectively trustees of any public baths and wash-houses which hereafter be built or provided in any such borough private subscriptions or otherwise, may, with the co such borough, or with the consent of the town com be, and with the consent of a majority of the con whom they were appointed trustees, sell or lease houses to the said council or town commissioners re them the management of such baths and wash-hou the baths and wash-houses so purchased or leased, ment has been so made over, shall be deemed to b this Act, as fully as if they had been built or prov town commissioners; and the property therein sha aldermen, and burgesses in the case of a borough sioners in the case of any such city or town as provided. XIV. AND be it enacted, that any commissioners

Power to water and gas companies to supply water to baths, &c., either without charge or on reduced

terms.

sioners not to

be personally liable.

Councillors and town commis-

porations, bodies, and persons having the manag canals, reservoirs, wells, springs, and streams of wat tively, may, in their discretion, grant and furnish public baths and wash-houses and open bathing pl or on such other favourable terms as they shall this XV. And be it enacted, that nothing in this.

waterworks, water companies, canal companies, gas

any member of the council of any borough or personally, or any of their lands, goods, chattels, o lands, goods, chattels, or monies as may be vested i or control of the council or town commissioners re this Act,) liable to the payment of any sum of m pensation or satisfaction for or in respect of any th

Persons may appeal against orders of

XVI. And be it enacted, that every person w any bye law, order, direction, or appointment of

pursuance of this Act.

commissioners shall have the like power of appeal to the general quarter councils and sessions as, under the provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have if feeling aggrieved by any determination of any justice with respect to any penalty.

XVII. AND be it enacted, that the council or town commissioners respectively, with the approval of the commissioners of her Majesty's Treasury, may from time to time make sale and dispose of any lands vested in the mayor, aldermen, and burgesses, or in the town commissioners respectively, for the purposes of lands, with of this Act, and apply the proceeds in or toward the purchase of other lands consent of Treasury. better adapted for such purposes, and may, with the like approval, exchange any lands so vested, and either with or without paying or receiving any money for equality of exchange, for any other lands better adapted for such purposes; and the mayor, aldermen, and burgesses, or the town commissioners, may convey the lands so sold or exchanged accordingly.

XVIII. And be it enacted, that whenever any public baths or wash- When baths, houses or open bathing places which shall have been for seven years or upwards established under the authority of this Act shall be determined by the council or by the town commissioners respectively to be unnecessary, or too expensive to be kept up, the council or town commissioners, with the approval of approval of the commissioners of her Majesty's Treasury, may sell the same for the best price that can reasonably be obtained for the same; and the mayor, aldermen, and burgesses, or the town commissioners respectively, shall convey the same accordingly; and the purchase money shall be paid to such person as the council or town commissioners shall appoint, and his receipt shall be a sufficient discharge for the same; and the net proceeds of such sale shall be paid to the credit of the borough fund, or of the town fund, as the case may be.

XIX. AND be it enacted, that the general management, regulation, and Management to control of the public baths and wash-houses and open bathing places established councils and under this Act shall, subject to the provisions of this Act, be, as to any town comborough, vested in and exercised by the council, and, as to any such city or town as aforesaid, vested in and exercised by the town commissioners.

XX. AND be it enacted, that the bye laws which the council and town Council and commissioners respectively may from time to time make, alter, repeal, and commissioners may make bye enforce shall include such bye laws for the management, use, and regulation laws for reguof the public baths and wash-houses and open bathing places, and of the persons resorting thereto respectively, and for determining from time to time the charges for the use of such baths and wash-houses and open bathing places respectively, as the council and town commissioners respectively shall think fit; and they respectively may appoint any penalty not exceeding five pounds for any and every breach, whether by their officers or servants or by other persons, of any bye law made by them respectively; and such bye laws shall make sufficient provision for the several purposes respectively expressed in purposes in the schedule (A.) to this Act: Provided always, that no bye law made under the authority of this Act shall have any effect until the same shall have received the approval of one of her Majesty's principal secretaries of state.

XXI. AND be it enacted, that a printed copy or sufficient abstract of the Copies or bye laws relating to the use of the baths and open bathing places respectively bye laws to be shall be put up in every bath room and open bathing place respectively; and hung up in

town commissioners, as against orders of justices under 8 & 9 Vict. c. 16. Council or commissioners may make sale and exchange

&c. are considered unnecessary or too expensive sold, and proceeds carried to borough or

lating the use of baths and wash-houses. &c., and charges thereat, and fix penalties.

Bye laws to provide for schedule (A). Bye laws to be approved by the secretary of state.

every bath room and open bathing place, &c.

Proportion of baths for the labouring classes.

Charges to be fixed by councils and town commissioners, not exceeding those in schedule (B.)

As to the recovery of charges at wash-houses.

Penalty on officers taking fees beyond salaries, or being interested in contracts;

also on councillors and commissioners taking fees, accepting offices, or being interested in contracts.

Application of penalties.

a printed copy or sufficient abstract of the bye laws re wash-houses shall be put up in some convenient place or trough, or every pair of washing tubs or troughs, in

XXII. AND be it enacted, that the number of beclasses in any building or buildings under the manager or town commissioners shall not be less than twice the any higher class, if but one, or of all the baths of any than one, in the same building or buildings.

XXIII. And be it enacted, that the council and respectively may from time to time make such reason of the baths and wash-houses and open bathing place under this Act as they shall think fit, but not exceed mentioned in the schedule (B.) annexed to this Act, washing tub or trough for more than two hours in any charges may be made which the council or town conshall deem reasonable.

XXIV. AND be it enacted, that for the recovery wash-houses the officers, servants, and others having may detain the clothes brought to be washed, or other g person refusing to pay the charge to which such person not thereof, till full payment thereof be made, and in camade within seven days may sell such clothes, goods them, returning the surplus proceeds of such sale, after charge, and the expences of such detention and sale, if any, on demand, to such person.

XXV. And be it enacted, that if any clerk or other who shall be in anywise employed by any council or pursuance of this Act, shall exact or accept any fee or or on account of any thing done or forborne or to pursuance of this Act, or on any account whatsoever Act into execution, other than such salaries, wages, have been appointed by the council or town commis wise be concerned or interested in any bargain or council or town commissioners for or on account of any or to be done or forborne in pursuance of this Act, of soever relative to the putting of this Act into exec during the time he holds the office of member of th missioner shall exact or accept any such fee or reward any office or place of trust created by virtue of th directly or indirectly in any such bargain or contrac offending shall be incapable of ever serving or being e and shall for every such offence also forfeit the sum of

XXVI. And be it enacted, that such part of any part his Act as shall not be awarded to the informer shall regards a borough, of the borough fund, and, as regard as aforesaid, of the town fund.

CHAPTER LXXXVIII

An Act to remove Doubts as to the Legality of Ecclesiastical Patronage.

HEREAS by an Act passed in the fourth

8 & 4 Vict. с. 113. s. 42.

Majesty, intituled "An Act to carry into ef " cations, the fourth report of the commissioners o " revenues," it is enacted, "that it shall not be lawfu " to sell or assign any patronage or presentation be " of any dignity or spiritual office held by him, an " assignment shall be null and void to all intents an have been entertained whether or not certain agr authorized under the several Acts for the augmentat the poor clergy, or under the Church Building Acts, assignments prohibited by the first-recited Act; and doubts be removed: Be it declared and enacted by t Majesty, by and with the advice and consent of temporal, and commons, in this present Parliamer authority of the same, that no agreement or other

Agreements as to patronage under 1 Geo. 1. stat. 2. c. 10. and amending Acts, or 8 & 9

ment.

Vict. c. 70. and advowson or patronage, or right of presentation or ne Acts therein recited, to be deemed lawful, and not within recited enact-

person to any cure or benifice, donative, or perpetual church or chapel authorized by an Act passed in the King George the First, intituled "An Act for making " Majesty's gracious intentions for augmenting the clergy," or by any Act passed for the amendment the in the last session of Parliament, intituled "An Act f " of the Church Building Acts," or by any Act reci deemed a sale or assignment such as is prohibited

but that every such agreement or proceeding all duly made and taken under the provisions of a and shall be deemed to have been from the time good in law, to all intents and purposes, as if the been passed.

CHAPTER

An Act to prevent the Use of Stills by unlicensed P

6 Geo. 4. c. 81.

THEREAS by an Act passed in the sixth ye Majesty King George the Fourth, intituled " " duties payable on excise licences in Great Britain a " other duties in lieu thereof; and to amend the

" licences," a licence duty of ten shillings is impose Scotland or Ireland, not being a distiller, rectifier of who shall keep or use any still for carrying on the other trade or business requiring the use of any still

is expedient to impose one uniform duty for the

therefore enacted by the Queen's most excellent A

An excise duty of 10s. to be paid by every

CHAPTER XCIII.

An Act for compensating the Families of Persons ki

another person, and it is oftentimes right and exped

such case should be answerable in damages for the

Be it therefore enacted by the Queen's most excell

the advice and consent of the lords spiritual and

this present Parliament assembled, and by the au

whensoever the death of a person shall be caused

or default, and the act, neglect, or default is such a

WHEREAS no action at law is now maintainab his wrongful act, neglect, or default may

When death is caused by wrongful act, neglect, &c., which, if death had not ensued, would have entitled the injured party to an action for damages, an action shall be maintainable though death ensues, and though the circumstances may amount to felony. Action to be for the benefit of certain relations, and shall be brought by and in the name of executor or administrator of the deceased.

ensued) have entitled the party injured to maint damages in respect thereof, then and in every such have been liable if death had not ensued shall be damages, notwithstanding the death of the person death shall have been caused under such circumstately.

II. And be it enacted, that every such action shawife, husband, parent, and child of the person whose caused, and shall be brought by and in the name of trator of the person deceased; and in every such such damages as they may think proportioned to such death to the parties respectively for whom an action shall be brought; and the amount so recovered not recovered from the defendant, shall be divisited.

Only one action shall lie, and it must be commenced within 12 months from death. Plaintiff to deliver a full particular of the persons for whom such damages shall be claimed, &c.

direct.

Construction of Act.

III. PROVIDED always, and be it enacted, that I shall lie for and in respect of the same subject mattered every such action shall be commenced within twelve death of such deceased person.

mentioned parties in such shares as the jury by th

IV. AND be it enacted, that in every such action shall be required, together with the declaration, to do his attorney a full particular of the person or person behalf such action shall be brought, and of the nature which damages shall be sought to be recovered.

V. And be it enacted, that the following we intended to have the meanings hereby assigned to the such meanings are not excluded by the context or by matter; that is to say, words denoting the singular stood to apply also to a plurality of persons or this the masculine gender are to be understood to apply feminine gender; and the word "person" shall appropriate; and the word "parent" shall include father and grandmother, and stepfather and stepmoth shall include son and daughter, and grandson and grands stepdaughter.

VI. AND be it enacted, that this Act shall come into operation from and im- Act to take mediately after the passing thereof, and that [Rep., Stat. Law Rev. Act, 1875.] effect on passing, and not nothing therein contained shall apply to that part of the United Kingdom to apply to called Scotland.

CHAPTER XCV.

AN ACT for the more easy Recovery of Small Debts and Demands in England. [28th August 1846.]

HEREAS sundry Acts of Parliament have been passed from time to time for the more easy and speedy recovery of small debts within certain towns, parishes, and places in England: And whereas by an Act passed in the eighth year of the reign of her Majesty, intituled "An Act to amend 7 & 8 Vict. " the laws of insolvency, bankruptcy, and execution," arrest upon final process in actions of debt not exceeding twenty pounds was abolished, except as to certain cases of fraud and other misconduct of the debtors therein mentioned: And whereas by an Act passed in the ninth year of the reign of her said Majesty, intituled "An Act for the better securing the payment of small 8 & 9 Vict. " debts," further remedies were given to judgment creditors, in respect of debts not exceeding twenty pounds, for the discovery of the property of debtors, and punishment of frauds committed by them: And whereas by the lastmentioned Act her Majesty is enabled, with the advice of her privy council. to extend the jurisdiction of certain courts of requests and other courts for the recovery of small debts to all debts and demands, and all damages arising out of any express or implied agreement, not exceeding twenty pounds, and also to enlarge and in certain cases to contract the district of such courts, and make certain other alterations in the practice of such courts, in manner in the now-reciting Act mentioned; and it is expedient that the provisions of such Acts should be amended, and that one rule and manner of proceeding for the recovery of small debts and demands should prevail throughout England: And whereas the county court is a court of ancient jurisdiction, having cognizance of all pleas of personal actions to any amount, by virtue of a writ of justicies issued in that behalf: And whereas the proceedings in the county court are dilatory and expensive, and it is expedient to alter and regulate the manner of proceeding in the said courts for the recovery of small debts and demands, and that the courts established under the recited Acts of Parliament, or such of them as ought to be continued, should be holden after the passing of this Act as branches of the county court under the provisions of this Act, and that power should be given to her wajesty to effect these changes at such times and in such manner as may be deemed expedient by her Majesty, with the advice of her privy council: Be it enacted by the Queen's most excellent Majesty, by Her Majesty and with the advice and consent of the lords spiritual and temporal, and may by order commons, in this present Parliament assembled, and by the authority of the order this same, that it shall be lawful for her Majesty, with the advice of her privy Act to be put in execution in council, from time to time to order that this Act shall be put in force in such any county. county or counties as to her Majesty, with the advice aforesaid, from time to time shall seem fit; and this Act shall extend to those counties concerning which any such order shall have been made, and not otherwise or elsewhere:

No court to be established in London. Counties to be divided into districts for holding county courts under this Act. Provided always, that no court shall be establishe of London.

II. And be it enacted, that it shall be lawful

advice aforesaid, to divide the whole or part of an counties of cities and counties of towns, cities, places, liberties, and franchises, therein contained, districts, and to order that the county court shall I debts and demands under this Act in each of sucl time to alter such districts as to her Majesty, wit seem fit, and to order from time to time that the n which the court shall be holden shall be increase county shall be within the provisions of this Act, said, to alter the place of holding any such court, o of any such court be discontinued, or to consolida districts, and from time to time, with the advice a name and in what towns and places the county c district; and if it shall appear to her Majesty th liberty, city, borough, or district may convenien jurisdiction of the county court of an adjoining c her Majesty, with the advice aforesaid, to order the to be within the jurisdiction of the county court this Act for such adjoining county in and for such order, in like manner as if it were part of such ad

III. AND be it enacted, that every court to be have all the jurisdiction and powers of the count debts and demands, as altered by this Act, through which it is holden, and there shall be a judge for under this Act, and the county court may be hold any of such districts; and every court holden under the formula of record.

IV. And be it enacted, that for all purposes, e within the jurisdiction of the courts holden under shall be holden as if this Act had not been passed

V. And be it enacted, that it shall be lawful for her I privy council, to order that any court holden for the reco within the provisions of any Act cited in either of the and marked (A.) and (B.) respectively, shall be holden be lawful for her Majesty, with the advice aforesaid, to court, either greater or less than the district in which t visions of any such Act now has jurisdiction, and to alter court, or to order that any such court be abolished; and to be holden under the Act according to which it is now the time mentioned in any such order which shall be court; and from and after the time mentioned in any under which such court is now constituted, so far as the ment or jurisdiction or practice of a court for the recover shall be repealed, but not so as to revive any Act thereb ordered to be holden as a county court shall thencefort under this Act, and in all respects as if it had been or provisions of this Act. [Rep., Stat. Law Rev. Act, 18]

VI. And be it enacted, that as soon as a court shall district under this Act, and also at the time mentioned have been made as aforesaid for holding any of the cour

Part of any county may be included in jurisdiction of county court held in adjoining county.

Courts held under this Act to have jurisdiction of county courts; there shall be a judge for each district, and courts shall be courts of record.

Preserving jurisdiction of county courts as to matters not within jurisdiction of courts held under this Act. Her Majesty may order any court held under Acts in schedules (A.) and (B.) to be held

as a county court under this Act, and may assign a district to the same.

When a court shall be established or said schedules as a county court under this Act, the several provisions and enactments ordered to be of the said Acts of Parliament of the eighth and of the ninth year of the reign of her held under this Majesty, and of every other Act of Parliament heretofore passed, so far as the same respectively relate to or affect the jurisdiction and practice of the court so established or ordered to be holden as a county court, or give jurisdiction to any court, or to any or ordered or of the Court of Bankruptcy, with respect to judgments or orders obtained c. 127., and all in the COULT so established or ordered to be holden as a county court, shall be repealed. other Acts [Rep., Stat. Law Rev. Act, 1875.]

VIII. AND be it enacted, that any order in council made for the purposes Orders in of this Act shall be published in the London Gazette; . . .

IX. AND be it enacted, that the lord chaucellor shall appoint as many fit persons as are needed to be judges of the county court under this Act, [Rep., Stat. Law Rev. Act, 1875.

XIII. AND be it enacted, that whenever any order shall be made for hold- Provisions for ing a court under this Act within the several towns mentioned in the first column of the schedule marked (C.) annexed to this Act, then, upon the next vacancy which shall happen after the passing of this Act in the several offices mentioned in the second column of the said schedule (C.) in conjunction with such courts, the several lords for the time being of the manors and liberties mentioned in the third column of the said schedule (C.) in conjunction with the said courts shall be entitled to appoint persons, properly qualified according to the provisions of this Act, to fill the said offices respectively, subject nevertheless in each case to the approval of one of her Majesty's principal secretaries of state.

XIV. And be it enacted, that it shall be lawful for the lord of any hundred, Lords of or of any honor, manor, or liberty, having any court in right thereof in which debts or demands may be recovered, to surrender to her Majesty the right of holding such court, (for any such purpose, with the consent of any steward or other officer, if any, having a freehold office in such court,) or upon the next vacancy in any such freehold office; and from and after such surrender such court shall be discontinued, and the right of holding such court shall cease. and all proceedings commenced in such court may thereafter be continued, and shall be enforced and executed, as if they had been commenced under the authority of this Act in a county court holden for the district in which the cause of action arose; but no person shall be entitled to claim any compensation under this Act by reason of any such surrender: Provided always, Rights of holdof debts and demands shall not be deemed to infer the surrender or loss of not to be any other franchise incident to the lordship of such hundred. liberty, and that the court thereof may be holden for all other purposes, if any. incident thereunto, as now by law it may.

XVI. AND be it enacted, that from time to time when any judge appointed Appointment under this Act shall die, resign, or be removed, and the district for which he vacancies. was appointed shall not be consolidated with any other district, another judge shall be appointed, who shall be a barrister at law who shall be of seven years standing, or who shall have practised as a barrister and special pleader for at least seven years, or who shall have been the county clerk of the same county at the time of the passing of this Act; and every such appointment shall be

Vict. c. 96. and 8 & 9 Vict. affecting its jurisdiction, repealed.

council to be published in the London Gazette.

Appointment of judges.

certain lords of manors having rights of appointment under the Acts hereby repealed.

manors, &c. may surrender rights of holding courts for recovery of debts, with persons holding offices in such courts.

of judges on

made by the lord chancellor, or, where the whole duchy of Lancaster, by the chancellor of the duch

Judges of the county court removable for inability, &c.

XVIII AND be it enacted, that it shall be lacellor, or, where the whole of the district is with for the chancellor of the said duchy, if he shainability or misbehaviour any such judge already appointed.

Appointment of deputy judges.

XX. And be it enacted, that in case of illness cause whereof shall be entered on the minutes of for the judge appointed to hold any court unde inability of the judge to make such appointment where the whole of the district is within the chancellor of the duchy, to appoint some other per to act as the deputy of such judge during such ill and it shall also be lawful for the judge, with the chancellor or chancellor of the duchy, to appoint . . . , to act for him for any time or times not calendar months in any consecutive period of t every deputy so appointed, during the time for whether the powers and privileges and privileges and privilege for whom he shall have been so appointed.

Judges may act as justices, if in the commission of the peace, without property qualification, if not otherwise disqualified.

XXI. AND be it enacted, that every judge of the shall be inserted by her Majesty in any commission riding, or division of a county, for which he is appropriately court, may and shall act in the execution of the for the said county, riding, or division, although he cation by estate or interest in lands, tenements, and by law in the case of other persons being justice provided that he be not disqualified by law to act any other cause or upon any other occasion the such an estate or interest as aforesaid.

Judges, &c. sppointed under this Act required to perform certain duties relating to matters depending in the Court of Chancery.

XXII. AND be it enacted, that the judges and under this Act shall be authorized and required or relating to any causes or matters depending in or before any judge thereof, or before the lord cha authority belonging to him, necessary or proper t districts, as the lord chancellor shall from time direct, and for this purpose, and subject to the ge said court, shall have and exercise all such authority the commissioners or other officers of the said are now usually performed, and shall be entitled sums of money as are now payable in respect the applied by them as the other fees authorized by directed to be accounted for and applied: Programount of such fees shall continue subject to the the same to which it is now subject.

And be it enacted, that the commissioners of her Majesty's Treasury of the Treasury to XXIII-United Kingdom of Great Britain and Ireland shall appoint so many persons as they appoint treashall think fit to be treasurers of the courts holden under this Act, [Rep., Stat. Law surers of 1875. Rev. Act-

courts holden under this Act.

XXIV. And be it enacted, that for every court under the authority of this Appointment Act there shall be a clerk, who shall be an attorney of one of her Majesty's of clerks and assistant clerks. courts of common law, and whom the judge shall be empowered to appoint, subject to the approval of the lord chancellor, and in cases requiring the same such assistant clerks as may be necessary shall be provided and paid by the clerk of the court.

XXV. AND be it enacted, that it shall be lawful for the lord chancellor, in In populous populous districts in which it shall appear to him expedient, to direct that two persons shall be appointed to execute jointly the office of clerk, under direct two such regulations as to the division of the duties and emoluments of the said appointed to office as shall be from time to time made by order of court in case of difference between them, each of such persons being qualified as is herein-before provided clerk. in the case of a single clerk; and where under the provisions of any Act cited Proviso where in either of the said schedules (A.) and (B.) more than one clerk is now acting in and for the court holden under such Act, the same number of clerks shall acting in any be continued, unless it shall seem expedient to the lord chancellor to order that such number be reduced.

districts, lord chancellor may persons to be execute jointly the office of

more clerks than one are court holden under any Act in schedules (A.) or (B.)

clerk, a deputy

XXVI. AND be it enacted, that it shall be lawful for the clerk of any such In case of court, with the approval of the judge, or, in case of inability of the clerk to illness, &c. of make such appointment, for the judge, to appoint from time to time a deputy, may be qualified to be appointed clerk of the said court, to act for the clerk of the appointed. said court at any time when he shall be prevented by illness or unavoidable absence from acting in such office, and to remove such deputy at his pleasure: and such deputy, while acting under such appointment, shall have the like powers and privileges, and be subject to the like provisions, duties, and penalties for misbehaviour, as if he were the clerk of the said court for the time

XXVII. AND be it enacted, that the clerk of each court, with such assistant Duties of clerks as aforesaid in cases requiring the same, shall issue all summonses, warrants, precepts, and writs of execution, and register all orders and judgments of the said court, and keep an account of all proceedings of the court, and shall take charge of and keep an account of all court fees and fines payable or paid into court, and of all monies paid into and out of court, and shall enter an account of all such fees, fines, and monies in a book belonging to the court, to be kept by him for that purpose, and shall from time to time, at such times as shall be directed by order of the court, submit his accounts to be audited or settled by the treasurer.

XXVIII. AND be it enacted, that it shall not be lawful for the clerk of any Offices of court holden under this Act, or the partner of any such clerk, or any person in treasurer, or the service er employment of such clerk or his partner, to act as treasurer treasurer and . of the court; or for the treasurer, his partner or clerk, or any person to be conjoined. in the service or employment of such treasurer or his partner, to act as clerk or high bailiff; or for the high bailiff, his partner or clerk, or any person in the service or employment of such high bailiff or his partner, to act as . . . treasurer of the court.

Officers not to act as attornies in the court.

Penalty of 501. on nonobservance of either of the two previous enactments. XXIX. And be it enacted, that no clerk, tree officer of the court shall, either by himself or indirectly engaged as attorney or agent for any parsaid court.

XXX. And be it enacted, that every person w such court, or the partner of such clerk, or a person ment of any such clerk or of his partner, shall a . . of such court, or who, being the treasur partner of any such treasurer, or a person in the se such treasurer or of his partner, shall accept the o in the execution of this Act, or who, being the h the partner of any such high bailiff, or a person in of any such high bailiff or of his partner, shall treasurer in the execution of this Act, and also bailiff, or other officer of any such court who partner, or in any way, directly or indirectly, cond for any party in any proceeding in the said court, forfeit and pay the sum of fifty pounds to any p same in any of her Majesty's superior courts of rec the case.

Appointment of high bailiffs;

and bailiffs.

XXXI. And be it enacted, that for every such of more high bailiffs, whom the judge shall be empowed appoint, ; and every empowered, subject to the restrictions herein-after under his hand to appoint a sufficient number of exceeding such number as shall be from time to time be bailiffs, to assist the said high bailiff, and at his any of them, and appoint others in their stead; and may also be suspended or dismissed by the judge.

Duties of the high bailiffs, &c.

judge, unless when their absence shall be allowed a judge, and shall, by themselves or by the bailiffs a aforesaid, serve all the summonses and orders, and precepts, and writs, issued out of the court; and bailiffs shall in the execution of their duties courles as shall be from time to time made for regulat court, as herein-after provided, and, subject thereun tion of the judge; ; and e be responsible for all the acts and defaults of happointed to assist him, in like manner as the sheri is responsible for the acts and defaults of himself as

XXXIII. And be it enacted, that the said high

attend every sitting of the court, for such time a

High bailiffs to be responsible for bailiffs.

Treasurers, clerks, and high bailiffs to give security. XXXVI. AND be it enacted, that the treasurer every court holden under this Act who may receive tion of his duty shall give security, for such sum an as the commissioners of her Majesty's Treasury from the due performance of their several offices, and

and payment of all monies received by them under this Act, (or which they may become liable to pay for any misbehaviour in their office.)

XXX VII. And be it enacted, that there shall be payable on every proceeding in Fees to be the courts holden under this Act, to the judges, clerks, and high bailiffs of the several taken accordcourts, such fees as are set down in the schedule marked (D.) to this Act annexed, or ing to schedule which shall be set down in any schedule of fees reduced or altered under the power (D.), and tables herein-after contained for that purpose, and none other; and a table of such fees shall in conspicuous be put up in some conspicuous place in the court house and in the clerk's office; and places. the fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding, and in default payment thereof shall be enforced, by order of the judge, by such ways and means as any debt or damage ordered to be paid by the court can be recovered; and the fees upon executions shall be paid into court at the time of the issue of the warrant of execution, and shall be paid by the clerk of the court to the bailiff upon the return of the warrant of execution, and not before: Provided always, that it shall be lawful Fees may be for one of her Majesty's principal secretaries of state, with the consent of the commissioners of her Majesty's Treasury, to lessen the amount of the fees to be taken in the courts holden under this Act in such manner as to him shall seem fit, and again to increase such fees, so that the scale of fees given in the schedule to this Act be not in any case surpassed; [Rep., 19 & 20 Vict. c. 108. s. 2.]

Compensation for persons whose rights or emoluments will be diminished.

XXXVIII. And be it enacted, that every person who is entitled to any franchise, right of appointment, or office, under any of the Acts under which any court mentioned in the said schedule (A.) is holden, and every person who shall have been entitled to any fees or salary for his services in the execution of any of the same Acts, or for the issue of any writs to the sheriff out of the High Court of Chancery, and also every person who is entitled to any franchise or right of appointment to hold office in any court in any district in which the county court had not jurisdiction before the passing of this Act, and in which district a court shall be established under the provisions of this Act, and also every person holding any office in any such last-mentioned court whose franchise or right of appointment or office shall be affected, abolished, or taken away, or whose emoluments shall be diminished or taken away, under the operation of this Act, shall be entitled to make a claim for compensation to the commissioners of her Majesty's Treasury within six calendar months after the passing of this Act, or after the alteration of such court; and it shall be lawful for the said commissioners, in such manner as they shall think proper, to inquire what was the nature of the franchise or right of appointment, and what was the tenure of any such office, and what were the lawful fees and emoluments in respect of which such compensation should be allowed; and the commissioners in each case shall award such gross or yearly sum, and for such time, as they shall think just to be awarded upon consideration of the special circumstances of each case; and all such compensations shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland: Provided always, that if any person holding any office in any of the said courts shall be appointed after the passing of this Act to any public office or employment, the payment of the compensation awarded to him under this Act, so long as he shall continue to receive the salary or emoluments of such office or employment, shall be suspended, if the amount of such salary or emoluments is greater than the amount of such compensation, or if not, shall be diminished by the amount of such salary or emoluments : Provided also, that nothing in this Act contained shall be deemed to entitle any person to compensation for the loss or diminution of the profits of any office to which he shall have been appointed under any Act containing a provision, either that he is not to be entitled to compensation for the loss or diminution of the profits of his office, or that such Act should cease on or within a limited time after the passing of any general Act for the recovery of small debts, or under the provisions of either of the said Acts of the eighth year of her Majesty and of the ninth year of her Majesty. [Rep., Stat. Law Rev. Act, i 875.]

XXXIX. And be it enacted, that it shall be lawful for her Majesty, with the advice Judges and of her privy council, to order that the judges, clerks, bailiffs, and officers of the courts officers of holden under this Act, or any of them, shall be paid by salaries instead of fees, or in courts may manner other than is provided by this Act. [Rep. 13 & 14 Vict. c. 61 a 77] be paid by any manner other than is provided by this Act [Rep., 13 & 14 Vict. c. 61. s. 7.7; be paid by salaries instead and if her Majesty shall be pleased, with the advice aforesaid, of fees. to order that any such court shall be abolished, or that the district for which is abolished or

district consolidated, no compensation allowed, except in certain cases.

any such court is holden shall be consolidated any Act shall be passed whereby it shall be pro any of them shall be abolished, or otherwise con this Act, no such clerk or bailiff, nor any jud other officer of any such court, shall be entiaccount of ceasing to hold his office, or to receiv or on account of his emoluments being affected a unless he shall have presided or acted as judge, a clerk, bailiff, or other officer, before the passing of mentioned in the schedule (A.) to this Act annexentitled to compensation for the loss of his fees of and subject to the same regulations as he would under the provisions herein contained in case he or emoluments by reason of the passing of this A. XL. And be it enacted, that the greatest salaries to

Salaries of judges and clerks.

Allowances for travelling expences.

Fees and fines to be accounted for by clerk to treasurer. XLI. AND be it enacted, that the clerk of e Act, from time to time as often as he shall a treasurer or judge of the court, and in such for shall require, shall deliver to the treasurer a fur fees received in that court under the authority of all fines levied by the court, and of the experiments of the experiments of the experiments.

Accounts of clerks and officers to be audited and settled by treasurers, and balances paid over.

requisite to make thereout in accordance with the shall from time to time pay the balance remaining thereof as he shall be directed to pay, into such be directed by the commissioners of her Majesty's

Commissioners of Treasury to direct how balances shall be secured, accounted for, and applied.

Accounts of treasurers to be audited.

XLIV. And be it enacted, that the commission shall from time to time make such rules as to securing the balances and other sums of money in every court holden under this Act, and for the dication of all such balances and other sums of more

XLV. And be it enacted, that the accounts to be k account of the said courts shall be examined and au auditing the public accounts of Great Britain, [Rep

And be it enacted, that the clerk of every such court shall once in Clerks to send every year, and oftener if required, on such day as shall be appointed by the sioners of audit commissioners of her Majesty's Treasury, make out and send to the said commission ers of audit an account of all sums paid over by him to the treasurer sums paid to treasurers. of the court, including all unclaimed balances carried to the account of the general find, as herein-after provided; and every such account, duly vouched by receip ts given under the hand of the treasurer, shall be a voucher to charge the treasurer in his account before the said commissioners of audit.

XLIX. And be it enacted, that it shall be lawful for any court holden Where comunder this Act, with the approval of one of her Majesty's principal secretaries inconvenient, of state, to use as a prison for the purposes of this Act any prison now belonging to any court holden under any of the Acts cited in the said ing to courts schedules (A.) and (B.), in all cases where it shall appear to the said secretary cited in of state that the common gaol or house of correction of the county, district, or schedules (A.) place in which the court is established is inconveniently situated, or is not be used. applicable for the use of the said courts; and whenever any such prison shall be so allowed to be used it shall be deemed one of the common gaols of the county for which it shall be used, as if it had been provided, after presentment of the insufficiency of one common gaol for such county, under the provisions of an Act passed in the sixth year of the reign of her Majesty, intituled "An 5 & 6 Vict. " Act to amend the laws concerning prisons," or where such prison shall be c. 98. situated within a borough having a separate court of sessions of the peace, it shall be deemed a house of correction for such borough.

prisons belongand (B.) may

LII. And be it enacted, that for raising a fund for providing a court house and A general fund offices, and for paying off any monies which may be borrowed as aforesaid, and the to be raised for interest due in respect thereof, the clerk of every court holden under the authority of this Act, in which and while it shall be necessary to raise such fund, shall demand and receive from the plaintiff in any suit brought in that court the sum of sixpence, when the debt or damage claimed shall exceed twenty shillings and shall not exceed forty shillings, and for every claim exceeding forty shillings one twentieth part thereof, neglecting any sum less than sixpence in estimating such twentieth part, or such other sum in either case, not exceeding the rates herein-before mentioned, as one of her Majesty's principal secretaries of state, with the consent of the commissioners of her Majesty's Treasury, from time to time shall order, which sum, if not paid in the first instance by the plaintiff upon suit brought in the court, may be deducted from the sum recovered for the plaintiff, and shall be considered as costs in the cause; and the clerk of the court shall keep an account of all monies so paid to him, and shall pay over the amount from time to time to the treasurer of the court, and the amount thereof shall accumulate, to form a fund to be called "The General Fund of the County Court of ," and shall be applied in the first place toward paying the interest of the several sums so borrowed, and in the second place toward paying the rent and other expences necessarily incurred in holding the court, and in the third place toward paying off the several principal sums borrowed, in the order in which they were borrowed, and in the fourth place toward defraying the other expences herein charged on the said general fund, in such manner as the judge, with the approval of one of her Majesty's principal secretaries of state, shall direct; and the surplus which shall from time to time accumulate, after providing for all the said expences, shall be paid over to the credit of the consolidated fund of the United Kingdom of Great Britain and Ireland; subject, nevertheless, to any

charge which may arise from any future deficiency of the same fund. [Rep., 19 &

20 Vict. c. 108. s. 2.7

every court for mentioned.

402

Places and times of holding courts.

Notices of times for holding courts to be put up in court house and clerk's office.

Process of the court to be under seal.

Forging seal or process felony.

Jurisdiction of the court.

To what cases jurisdiction shall not extend.

Suits to be by plaint.

Issue and service of summons. LVI. And be it enacted, that the judge of each district the county court at each place where her Majesty shall I county court shall be holden within his district, at a appoint for that purpose, so that a court shall be holder once at least in every calendar month, or such other is Majesty's principal secretaries of state shall in each case the days on which the court will be holden shall be put up place in the court house and in the office of the clerk other notice thereof shall be needed; and whenever any holding the court shall be altered, notice of such intenthe time when it will take effect, shall be put up in som the court house and in the clerk's office.

LVII. And be it enacted, that for every court holden shall be made a seal of the court, and all summonses and out of the said court shall be sealed or stamped with and every person who shall forge the seal or any process shall serve or enforce any such forged process, knowing or deliver or cause to be delivered to any person any part to be a copy of any summons or other process of the same to be false, or who shall act or profess to act undepretence of the process of the said court, shall be guilty

LVIII. AND be it enacted, that all pleas of person debt or damage claimed is not more than twenty pound of account or otherwise, may be holden in the county and all such actions brought in the said court shall be he a summary way in a court constituted under this Act provisions of this Act: Provided always, that the court zance of any action of ejectment, or in which the titl incorporeal hereditaments, or to any toll, fair, market, or question, or in which the validity of any devise, beques any will or settlement may be disputed, or for any ma for any libel or slander, , or for seduction, or marriage.

LIX. And be it enacted, that, on the application of a

bring a suit under this Act, the clerk of the court shall kept for this purpose in his office a plaint in writing, see the last known places of abode of the parties, and the see intended to be brought, every one of which plaints are every year according to the order in which it shall be ence a summons, stating the substance of the action, and be the plaint on the margin thereof, shall be issued under according to such form, and be served on the defendant the day on which the court shall be holden at which the shall be directed by the rules made for regulating the property of such summons to such other manner as shall be specified in the rules of progood service; and no misnomer or inaccurate descript place in any such plaint or summons shall vitiate the sai or place be therein described so as to be commonly known.

LXI. AND be it enacted, that any summons or other process which under Processes to be this Act shall be required to be served out of the district of the court from which district of court the same shall have issued may be served by the bailiff of any court holden may be served under this Act in any part of England, and such service shall be as valid as if by bailiff of any other the same had been made by the bailiff of the court out of which such sum-court. mons or other process shall have issued within the jurisdiction of the court for which he acts.

ILXII. AND be it enacted, that service of any summons or other process Proof of of the court which shall require to be served out of the district of the court may be proved by affidavit, purporting to be sworn before the district, or any person now authorized by law to take affidavits; and the fee for taking of the bailiff. such affidavit shall not be more than one shilling, and shall be costs in the cause; and in every case of the unavoidable absence of the bailiff by whom any summons or other process of the court shall have been served the service of such summons or other process may be proved, if the judge shall think fit, in the same manner as a summons served out of the district of the court, but without additional charge to either of the parties to the suit.

process out of in the absence

LXIII. And be it enacted, that it shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more suits in any of the said courts, but any plaintiff having cause of action for more than bringing two twenty pounds, for which a plaint might be entered under this Act if not for more than twenty pounds, may abandon the excess, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding twenty pounds; and the judgment of the court upon such plaint shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment shall be made accordingly.

the purpose of or more suits, but plaintiff, on abandoning the excess of his claim over 20%. may recover that sum, and the judgment shall bar all further demands. Minors may sue for wages.

Demands not to be divided for

LXIV. And be it enacted, that it shall be lawful for any person under the age of twenty-one years to prosecute any suit in any court holden under this Act for any sum of money not greater than twenty pounds which may be due to him for wages or piece-work, or for work as a servant, in the same manner as if he were of full age.

> partnership, intestacies, and

LXV. AND be it enacted, that the jurisdiction of the county court under Jurisdiction in this Act shall extend to the recovery of any demand, not exceeding the sum cases of of twenty pounds, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

LXVI. And be it enacted, that it shall be lawful for any executor or admin- Executors may istrator to sue and be sued in any court holden under this Act in like manner as if he were a party in his own right; and judgment and execution shall be such as in the like case would be given or issued in any superior court.

LXVII. AND be it enacted, that no privilege, except as herein-after excepted, No privilege shall be allowed to any person to exempt him from the jurisdiction of any court holden under this Act.

LXVIII. AND be it enacted, that where any plaintiff shall have any demand One of several recoverable under this Act against two or more persons jointly answerable, it persons liable shall be sufficient if any of such persons be served with process, and judgment

I So much of section 62 as requires the service of a summons or other process to be proved by affidavit, rep., 38 & 39 Vict. c. 50. s. 12.]

and may recover contributions from the others. may be obtained and execution issued against the notwithstanding that others jointly liable may not or may not be within the jurisdiction of the coungainst whom judgment shall have been obtaine shall have satisfied such judgment, shall be entitled the county court under this Act contribution from liable with him.

Judge alone to determine all questions, unless a jury be summoned. LXIX. AND be it enacted, that the judge of the sole judge in all actions brought in the said conquestions as well of fact as of law, unless a jury staffer mentioned; and no suitors shall in any case have any jurisdiction in any court holden under the

Actions may be tried by a jury when parties require it. LXX. And be it enacted, that in all actions who exceed five pounds it shall be lawful for the plaintijury to be summoned to try the said action; as amount claimed shall not exceed five pounds it shall his discretion, on the application of either of the action be tried by a jury; and in every case succeeding to the provisions herein-after contained party requiring a jury to be summoned shall give leave at his office, such notice thereof as shall be for regulating the practice of the court, as here said clerk shall cause notice of such demand of plaintiff or defendant, to be communicated to the action, either by post, or by causing the same to be of abode or business; but it shall not be necessar on the trial that such notice was communicated.

Party requiring jury to make a deposit.

clerk.

LXXI. AND be it enacted, that every party remoned shall at the time of giving the said not entitled to have such jury summoned, pay to the five shillings for payment of the jury, and such costs in the cause, unless otherwise ordered by the

LXXII. AND be it enacted, that the sheriff of

Lists and summoning of jurors.

bailiffs of Westminster and Southwark, shall cause of the court a list of persons qualified and liable to of assize and nisi prius for their county, city, and fourteen days from the receipt of the jury book from the county or other officer, each list containing residing within the jurisdiction of the court, for which bailiffs shall be entitled to receive . . . the rate of two-pence for every folio of seventy-triping shall be required the clerk of the court shall contained in the list as shall be needed in the opin moned to attend the court at a time and place to be and shall administer or cause to be administered impannelled to try any cause or causes an oath to

to the evidence; and the persons so summoned

at the time mentioned in the summons, and

Default of attendance.

shall for feit such sum of money as the judge shall direct, not being more than five pour as for each default; and the delivery of such summons to the person whose attendance is required on such jury, or delivery thereof to his wife or servant, or any inmate at his usual place of abode, trading, or dealing, shall be deemed good service: Provided always, that no person shall be summoned or Proviso as to compelled to serve on such jury more than twice within one year, or who shall attendance have been summoned and shall have attended upon any jury at the assizes, or twice a year, any court of nisi prius, or at the central criminal court for the same county, attendance at within six calendar months next before the delivery of such summons.

LXXIII. And be it enacted, that whenever there are any jury trials five jurymen shall be impannelled and sworn, as occasion shall require, to give their verdicts in the causes which shall be brought before them in the said court, and being once sworn shall not need to be re-sworn in each trial; and Challenges. either of the parties to any such cause shall be entitled to his lawful challenge against all or any of the said jurors, in like manner as he would be entitled in any superior court; and the jurymen so sworn shall be required to give an unanimous verdict.

LXXIV. AND be it enacted, that on the day in that behalf named in the Hearing the summons the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer such plaint; and on answer being made in court the judge shall proceed in a summary way to try the cause, and give judgment. without further pleading or formal joinder of issue.

LXXV. AND be it enacted, that no evidence shall be given by the plaintiff. on the trial of any such cause as aforesaid, of any demand or cause of action, action not stated in except such as shall be stated in the summons hereby directed to be issued.

LXXVI. AND be it enacted, that no defendant in any court holden under Notices of this Act shall be allowed to set off any debt or demand claimed or recoverable by him from the plaintiff, or to set up by way of defence and to claim and have the benefit of infancy, coverture, or any statute of limitations, or of his discharge under any statute relating to bankrupts, or any Act for relief of municate the insolvent debtors, without the consent of the plaintiff, unless such notice thereof as shall be directed by the rules made for regulating the practice of the court shall have been given to the clerk of the court; and in every case in which the practice of the court shall require such notice to be given the clerk of the court shall, as soon as conveniently may be after receiving such notice, communicate the same to the plaintiff by the post, or by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for the defendant to prove on the trial that such notice was communicated to the plaintiff by the clerk.

LXXVII. AND be it enacted, that the judge may in any case, with the Suits may be consent of both parties to the suit, order the same, with or without other arbitration. matters within the jurisdiction of the court in dispute between such parties. to be referred to arbitration, to such person or persons, and in such manner. and on such terms, as he shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the judge; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents as if given by the judge; provided that the judge may, if he think fit, on application to him at the first court held after the expiration of one week after the

assizes, &c.

Verdict to be unanimous.

No evidence to be given of any cause of summons. special degiven to the clerk, who shall comsame to the

entry of such award, set aside any such award so given as aforesaid, or may with the consent of both parties aforesaid, revoke the reference, or order another reference to be made in the manner aforesaid.

Rules of procedure in courts to be framed by five judges of superior courts.

Practice in cases not expressly provided for.

Proceedings if plaintiff does not appear or does not prove his case. LXXVIII. And be it enacted, that five of the judges of the superior courts of common law at Westminster, including the lord chief justice of the Court of Queen's Bench, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer, or one of the said chiefs at the least, shall have power to make and issue all the general rules for regulating the practice and proceedings of the county courts holden under this Act, ; and Rep., Stat. Law Rev. Act, 1875. In any case not expressly provided for herein, or by the said rules, the general principles of practice in the superior courts of common law may be adopted and applied, at the discretion of the judges, to actions and proceedings in their several courts.

LXXIX AND be it enacted that if upon the day of the return of any

LXXIX. And be it enacted, that if upon the day of the return of any summons, or at any continuation or adjournment of the said court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the court, it shall be lawful for the judge to nonsuit the plaintiff, or to give judgment for the defendant, and in either case, where the defendant shall appear and shall not admit the demand, to award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as the judge in his discretion shall think fit, and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same court can be recovered: Provided always, that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the court, if it shall think fit, may proceed to give judgment as if the plaintiff had appeared.

Proceedings if the defendant does not appear. LXXX. And be it enacted, that if on the day so named in the summons, or at any continuation or adjournment of the court or cause in which the summons was issued, the defendant shall not appear, or sufficiently excuse his absence, or shall neglect to answer when called in court, the judge, upon due proof of service of the summons, may proceed to the hearing or trial of the cause on the part of the plaintiff only, and the judgment thereupon shall be as valid as if both parties had attended: Provided always, that the judge in any such case, at the same or any subsequent court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon, and may grant a new trial of the cause, upon such terms, if any, as to payment of costs, giving security for debt or costs, or such other terms, as he may think fit, on sufficient cause shown to him for that purpose.

Judge may grant time to either party, and adjourn any court or any cause.

Defendant may pay money into court.

LXXXI. AND be it enacted, that the judge may in any case make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may from time to time adjourn any court, or the hearing or further hearing of any cause, in such manner as to the judge may seem fit.

LXXXII. AND be it enacted, that it shall be lawful for the defendant in any action brought under this Act, within such time as shall be directed by the rules made for regulating the practice of the court, to pay into court such sum of money as he shall think a full satisfaction for the demand of the

Judgments how far final. LXXXIX. AND be it enacted, that every order holden under this Act, except as herein provided, a between the parties, but the judge shall have powevery case in which satisfactory proof shall not either the plaintiff or defendant to the judgment in every case whatever have the power, if he shall trial to be had upon such terms as he shall think r time to stay the proceedings.

New trial.

No actions to be removed into superior courts but on certain conditions. XC. And be it enacted, that no plaint entered this Act shall be removed or removable from the Majesty's superior courts of record by any writ or damage claimed shall exceed five pounds, and then one of the said superior courts, in cases which shall be tried in one of the superior courts, and upon s costs, giving security for debt or costs, or such other. XCI. And be it enacted, that no person shall be entered.

Who may appear for any party.

party to any proceeding in any of the said courts unler her Majesty's superior courts of record, or a barrister at on behalf of the party, or, by leave of the judge, any other to appear instead of such party; but no barrister, attorn leave of the judge, shall be entitled to be heard to arg any other person in any proceeding in any court he 15 & 16 Vict. c. 54. s. 10.7; and no person, not being any other person in any proceeding in any court here.

Costs and fees of attorneys and counsel. of her Majesty's superior courts of record, shall be any sum of money for appearing or acting on behal said court; and no attorney shall be entitled to ha sum of money, unless the debt or damage claimed shillings, or to have or recover more than ten shill unless the debt or damage claimed shall be more than fifteen shillings in any case within the summ this Act; and in no case shall any fee exceeding on sixpence be allowed for employing a barrister as con expence of employing a barrister or an attorned defendant, shall not be allowed on taxation of cos where less than five pounds is recovered, or in the

Court may make orders for payment by instalments.

by instalments.

Execution on cross judg-

less than five pounds is claimed, or in any case un XCII. And be it enacted, that the judge may make of times and by what instalments any debt or damages or combe obtained in the said court shall be paid, and all such mulless the judge shall otherwise direct. [Rep., 19 & 20] XCIII. And be it enacted, that if there shall be the parties execution shall be taken out by that

obtained judgment for the larger sum, and for so after deducting the smaller sum, and satisfaction is entered, as well as satisfaction on the judgment fo both sums shall be equal satisfaction shall be entered

Court may award execution against goods.

ments.

XCIV. AND be it enacted, that whenever the jumple order for the payment of money, the amount shall default or failure of payment thereof forthwith, or a the manner thereby directed, by execution against the party against whom such order shall be made;

Parties summoned and refusing to attend or answer, or proved to have incurred debts, &c. under false pretences, or to have means to pay, may be committed.

summons, and of all proceedings thereon, shall be dee 32 & 33 Vict. c. 83. s. 20.

XCIX. And be it enacted, that if the party so sumn by such summons, and shall not allege a sufficient excu attending, refuse to be sworn, or to disclose any of the not make answer touching the same to the satisfaction appear to such judge, either by the examination of the that such party, if a defendant, in incurring the debt or the action in which judgment has been obtained has o under false pretences, or by means of fraud or breach of such debt or liability without having had at the same t being able to pay or discharge the same, or shall have gift, delivery, or transfer of any property, or shall have the same, with intent to defraud his creditors or any of satisfaction of the judge of the said court that the part had since the judgment obtained against him, sufficien debt or damages or costs so recovered against him, eith ment or instalments which the court in which the jud ordered, and if he shall refuse or neglect to pay the sam

or as shall be ordered pursuant to the power herein-after such judge, if he shall think fit, to order that any such common gaol or house of correction of the county, distr summoned is resident, or to any prison which shall be court, for any period not exceeding forty days. [Rep.,

Power to examine and commit at hearing of the cause as well as after judgment. CI. And be it enacted, that in every case where the in any county court shall have been personally served shall personally appear at the trial of the same, the jud or at any adjournment thereof, if judgment shall be given at any adjournment thereof, if judgment shall be given the same power and authority of examining the deother parties touching the several things herein-before the defendant to prison, and of making an order, as he the provisions herein-before contained in case the platfor that purpose after the judgment obtained as here 32 & 33 Vict. c. 83. s. 20.

Mode of issuing and executing warrants of commitment. CII. AND be it enacted, that whenever any ordebeen made as aforesaid the clerk of the said court the court a warrant of commitment, directed to county court, who by such warrant shall be empthe person against whom such order shall be mother peace officers within their several jurisdiction of every such warrant; and the gaoler or keeper of tion, and prison mentioned in any such order shall keep the defendant therein until discharged under or otherwise by due course of law;

How execution may be had or order of commitment executed out of the jurisdiction of the court. CIV. AND be it enacted, that in all cases where have issued against the goods and chattels of any commitment shall have been made under this Act, and chattels, shall be out of the jurisdiction of the the high bailiff of the court to send such warrant ment to the clerk of any other court constituted jurisdiction of which such party, or his goods and believed to be, with a warrant thereto annexed, un bailiff and seal of the court from which the origin execution of the same, and the clerk of the court sent shall seal or stamp the same with the seal of the

No execution shall be stayed by writ of error.

Execution to be superseded on payment of debt and costs. CVIII. AND be it enacted, that no judgment or delayed, or reversed, upon or by any writ of error, be sued for the reversing of any judgment given the provisions of this Act.

CIX. And be it enacted, that in or upon every wagainst the goods and chattels of any person who court shall cause to be inserted or endorsed the adjudged, with the sums allowed by this Act as incition of such warrant; and if the party against who issued shall, before an actual sale of the goods and copaid or tendered unto the clerk of the court out execution has issued, or to the bailiff holding the warm of money and costs as aforesaid, or such part the thereto shall agree to accept in full of his debt or day with the fees herein directed to be paid, the executand the goods and chattels of the said party shall liberty.

Debtor to be discharged from custody upon payment of debt and costs.

Minutes of proceedings to be kept.

Entries and certified copies to be evidence.

Suitors' money unclaimed in six years to go to general fund. CX. And be it enacted, that any person imprisshall have paid or satisfied the debt or demand, or payable, and costs remaining due at the time of the being made, together with the costs of obtaining success, shall be discharged out of custody, upon the correction, signed by the clerk of the court, by court in which the order of imprisonment was made. CXI. And be it enacted, that the clerk of every

Act shall cause a note of all plaints and summonses all judgments and executions, and returns thereto, a other proceedings of the court, to be fairly entered from belonging to the court, which shall be kept at the officentries in the said book, or a copy thereof bearing to purporting to be signed and certified as a true copy shall at all times be admitted in all courts and plat of such entries, and of the proceeding referred to by of the regularity of such proceeding, without any fur CXII. And be it enacted, that the clerk or clerks

CXII. And be it enacted, that the clerk or clerks in the month of March in each year make out a c money belonging to suitors in the court which shall and which shall have remained unclaimed for five ye the month of January then last past, specifying the whom or on whose account the same were so paid i such list shall be put up and remain during court h part of the court house, and at all times in the clerk money which shall have been paid into any such cour or suitors thereof, and which shall have remained un six years before the passing of this Act, and which any commissioner, trustee, judge, or officer of such c trust for such suitors, and all further sums of money paid into any such court, to the use of any suitor of unclaimed for the period of six years after the same into court, be applicable as part of the general fund

the attendance of witnesses in any case may be e order thereupon for the repayment of any money of ment of any money so levied as aforesaid, and damages and costs, as he shall think just; and a impose such fine upon the clerk, bailiff, or office for each offence, as he shall deem adequate; and is money so ordered to be paid, payment of the san ways and means as are herein provided for enfo in the said court.

Officers taking fees besides those allowed to be disqualifled, and liable in damages.

CXVII. And be it enacted, that every treasured, officer employed in putting this Act or any of the who shall wilfully and corruptly exact, take, o whatsoever, other than and except such fees as an allowed respectively as aforesaid, for or on account done by virtue of this Act, or on any account wh this Act into execution, shall, upon proof thereof l the case of a clerk, treasurer, or high bailiff, on alle court by the lord chancellor, be for ever incapable

under this Act in any office of profit or emolume

for damages as herein provided.

Actions of replevin may be brought without writ.

Plaints where to be entered in such actions.

Possession of small tenements tenant of any house, land, or other corporeal heredits may be recovered by plaint in county court.

If tenant, &c. neglect to appear, or refuse to give possession, judge may. on proof of service of summons, issue a warrant to enforce the same.

CXIX. And be it declared and enacted, that all of distress for rent in arrear or damage faisant wh county court shall be brought without writ in a co CXX. And be it enacted, that in every such a

shall be entered in the court holden under this A the distress was taken.

CXXII. And be it enacted, that when and so soon :

premises or the rent payable in respect of such tenancy pounds by the year, and upon which no fine shall have shall have been duly determined by a legal notice to qu tenant do not actually occupy the premises, or occupy oby whom the same or any part thereof shall be then act refuse to quit and deliver up possession of the premises, tively, it shall be lawful for the landlord or his agent court to be holden under this Act, and thereupon a sum so neglecting or refusing; and if the tenant or occupies the time and place appointed, and show cause to the con refuse to deliver up possession of the premises, or of suc then in possession, to the said landlord or his agent, it sl or agent to give to the court proof of the holding, and o tion of the tenancy, with the time or manner thereof, an lord has accrued since the letting of the premises, the possession; and upon proof of service of the summons of the tenant or occupier, as the case may be, it shall be a warrant under the seal of the court to any bailiff of t rizing him, within a period to be therein named, not leaclear days from the date of such warrant, to give posse landlord or agent; and such warrant shall be a sufficien enter upon the premises, with such assistants as he shalpossession accordingly: Provided always, that entry up be made on a Sunday, Good Friday, or Christmas Day,

the hours of nine in the morning and four in the afternoon

he give security for reappearance.

offender shall give sufficient security, to the satis appearance before him on such day as shall be such warrant of distress, such day not being the time of taking any such security, which seempowered to take by way of recognizance of seem fit.

In default of distress, offender may be committed. CXXXII. And be it enacted, that if upon recappear that no sufficient distress can be had appear to the satisfaction of such justice, either or otherwise, that he hath not within the jurisdigoods and chattels whereon to levy all such p charges, such justice may, at his discretion, will distress, commit the offender to the common g any time not exceeding three calendar months, tures, and fines, and all reasonable charges attend be sooner paid and satisfied.

Penalties not otherwise applied to be paid into the general fund. CXXXIII. AND be it enacted, that the moniesties, forfeitures, and fines as aforesaid, when pair this Act directed to be otherwise applied) be followed on the court, and shall be applied in aid of CXXXIV. AND be it enacted, that in all contents of the court, and shall be applied in aid of CXXXIV.

Justices may proceed by summons in the recovery of penalties.

penalty or forfeiture is made recoverable before be lawful for such justice to summon before him and on such summons to hear and determine t and on proof of the offence to convict the offend the penalty or forfeiture incurred, and to proceed no information in writing shall have been exhib proceedings by summons, without information in effectual, to all intents and purposes, as if an inf

Form of

exhibited.

CXXXV. AND be it enacted, that in all cases had for any offence committed against this Act be in the words or to the effect following; (that

BE it remembered, that on this day of Lord A.B. is convicted before

year of th

' justices of the peace for the ' under an Act passed in the

'Victoria, intituled, here insert the title of the offence]; and I [or we] the said

' to forfeit and pay for the same the sum of

for the space of

'seal , the day and year aforesaid.'

Proceedings not invalid for want of form. CXXXVI. AND be it enacted, that no order, a proceeding, made concerning any of the matters vacated for want of form.

Distress not unlawful for want of form. CXXXVII. AND be it enacted, that where a any sum of money to be levied by virtue of this not be deemed unlawful, not the party making passer, on account of any defect or want of form

equity; ; and the word to include high bailiff; unless in any of these context inconsistent with such meaning.

SCHEDULES to which this

SCHEDULE (A.)

Acrs for the more easy and speedy Recovery Towns, Parishes, and Places under written, an adjacent; that is to say,

ASHTON-UNDER-LYNE		18	
BATH			
BEVERLEY -	-	013	
BIRMINGHAM		-	
BLACKHEATH -		- *0	
BOLINGBROKE and H	ORNCAS	TLE	
Boston		-	
Bradford		-	
Bristol -	THE R	1 100	
Bristol		-	
BRIXTON -	(Self	18	
BROSELEY -	- 17	-	
CANTERBURY -	-		
CHIPPENHAM	LETTER	57-8	
CIRENCESTER -	1 (180	-	
CODSHEATH -	. W. W	-	
DEAL		-	
DERBY -	1	-	
DONCASTER -	-1	-	
Dovor		-	
ECCLESALL -	-	-	
ELLOE + -	1 6	- 0	
ELY, ISLE OF -	-	2	
EXETER -		- 11	
FAVERSHAM -	4	- 14	
FOLKESTONE -	4 100		
GLOUCESTER -	-	1990	
GRAVESEND .	age Sale	4	
GRIMSBY, GREAT	7 511	1 12	
HAGNABY -	-	-	
HALESOWEN -	10	1	
Ipswich -	-	and the	
KIDDERMINSTER	-	-	
King's Lynn		-5	
KINGSTON-UPON-HUI	L -	-	
KIRKBY IN KENDAL		-	
LINCOLN -	-	-	

GRANTHAM -	- 2
HALIFAX	- 2
HATFIELD	- 4
HINCKLEY	7
Hyde	- 3
KINGSNORTON	- 4
LAUNCESTON	- 4
Leicester	- 56
Loughborough -	- 7
NEWARK	- 4
NEW SARUM	- 4
NEW SLEAFORD	- 4
NEWTON ABBOTT	- 3
NOTTINGHAM	- 2
Олкнам	- 1
PRESTBURY DIVISION of the Hun	dred) 6
of Macclesfield	50
Prestwich-cum-Oldham -	- 2
Roborough	- 7
ROCHDALE	- 2
Rotherham	- 2
SAINT HELEN'S	- 4
STAFFORDSHIRE POTTERIES -	4
TAVISTOCK	- 3
Totnes	- 4
WARRINGTON	- 2
WESTMINSTER	- 6
Wigan	- 4
Wirksworth	- 2

SCHEDULE (C.)

Town.	Officer of the Court.
Ashton-under-Lyne -	Clerk of the court to be holden at Ashton.
BIRMINGHAM -	High bailiff of the court to be holden at Bir- mingham.
CIRENCESTER	Clerk of the court to be holden at Circucester.
KIDDERMINSTER -	Clerk of the court to be holden at Kidder- minster.

repairing all such houses and outhouses from time of such horses, and for the expence of the magi other constables, or sub-constables, when they sha duty from their residences under the authority of necessary and reasonable costs, charges, and expending the execution of this Act; and that one moiety out of the produce of the consolidated fund for all said Act (except so much of the said advances as

Sect. 36.

expences of the inspector general, his deputies and to be appointed as aforesaid, and of the receiver force, and of the paymasters in the several country jury presentment off each county, county of a cit which the same shall be declared by the lord lieut or governors of Ireland to relate, and in or for wor shall have been incurred; and that the inspect under the said Act shall, with the assistance of the before each assizes and presenting term, ascertain chargeable under the provisions of the said Act of city, of a town, or any part of any county, and thereof under his hand, specifying the force or ser charge may have been incurred, and transmit the certified by the chief or under secretary of the sai

chief governor or governors, to the secretary of the county of a city, and county of a town, one week senting term, who shall lay the same before the grashall be lawful for such grand jury, and they are presentment for the amount stated in such cer certificate, the amount whereof shall not have be raised from off the county at large, county of a ci city and county respectively, in the same manner stables may by law be now raised therefrom, and for the court at any assizes or presenting term raising any other money until such presentment made and allowed; and whenever the amount state be levied, the same shall be paid to such bank or pas the lords of the Treasury, or the commissioners or more of them, shall from time to time think fit

Sect. 37.

2 & 8 Vict. c. 75. s. 1. thereupon, but not before, as to all sums mentioner said, such county shall be deemed to be discharged passed in the session holden in the second and this present Majesty, intituled "An Act for the better re" force in Ireland," it is, amongst other things, end chief and other constables and sub-constables we other chief governor or governors of Ireland may under the said recited Acts in and for the several and counties of towns, and in and for the several other divisions of baronies in counties at large the may be lawful for such lord lieutenant or other chappoint two chief constables, (to be styled sub-insp

Sect. 8.

for all other costs and charges to be incurred in th that one moiety of all monies so advanced out or the payment of the officers and men composing the all other costs and expences (save as therein-after respect of such officers and men during such time county, county of a city, or county of a town to w by virtue of any such order of the said inspector; defrayed by such county, county of a city, or coun raised by grand jury presentment off such county, of a town, together with and in addition to the m county, county of a city or town under the said the constabulary force established therein; and the said constabulary force shall have regard thereto i which he is by the said Acts directed to prepare fo the monies chargeable upon each county, county o a county, under the said recited Acts, and shall i certificate: And whereas it is expedient that the r should be relieved, save as herein-after mentioned the charges and expences of the said constabulary that the whole charge of the same, save as herei placed upon and borne by the consolidated fund of also that an addition should be made to the said re mentioned: Be it therefore enacted by the Queen's mo

with the advice and consent of the lords spiritual and

present Parliament assembled, and by the authority of t

the passing of this Act so much of the said recited Act

other Act or Acts, as provides that one moiety of the

consolidated fund for the payment of any of the costs a

stabulary force or the said reserve force, or of any part

any county, county of a city, or county of a town, bar

Ireland, or by presentment of any grand jury in Ireland

of the costs, charges, or expences of the said constabu

So much of recited Acts as provides that one moiety of sums advanced out of consolidated fund for payment of expences of constabulary or reserve force in Ireland shall be defrayed by any county, barony, &c. or by grand jury presentment, repealed, save as herein mentioned.

The whole cost of the constabulary force and the reserve force, save as herein mentioned, shall be paid out of the consolidated fund,

force shall be borne or paid by or raised or levied from city, county of a town, barony, half barony, or place, mentioned, shall be and the same is hereby repealed, [Rest. II. And be it enacted, that from and after the all monies duly payable, and all necessary and reexpences, for and in respect of the said constabulat force respectively, under the provisions of the said or any Act amending the same, or of this Act, and addition to the said reserved force herein-after pro-

after mentioned, be charged upon and paid from produce of the consolidated fund of the United Ki Ireland; and it shall be lawful for the commissione

or any three or more of them, to order that all as they shall think necessary for the purposes afore be advanced and paid out of the produce of the United Kingdom of Great Britain and Ireland.

6 & 7 Will. 4. c. 13. s. 13.

III. And whereas by the said first-recited Act enacted, that it shall and may be lawful to and other chief governor or governors of Ireland, by

council of Ireland, to declare by proclamation that any county, county of a city, or county of a town in Ireland, or any barony or baronies, half barony or half baronies in any county at large, or any district of less extent than any barony or half barony, to be therein specified, is or are in a state of disturbance, and requires or require an additional establishment of police; and thereupon it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland to appoint such and so many chief constables, constables, and sub-constables, as he or they shall think proper, not exceeding one such chief constable, two head constables, and fifty such constables or subconstables for any one barony or half barony, or for any county of a city or county of a town or district of less extent than any barony or half barony, which may have been so declared to be in a state of disturbance: And whereas it is expedient that in any such case as last aforesaid the said restriction as to the number of such chief and other constables so to be appointed should be removed: Be it therefore enacted, that in any such case as Power to lord in the said recited provision mentioned it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to appoint for or in any barony number of or half barony, or for or in any county of a city or county of a town, or constables district of less extent than any barony or half barony, which may have been exceeding four so declared to be in a state of disturbance, and also (if he or they shall so and one think fit) for or in any barony or half barony, or county of a city or county of a hundred contown, or district of less extent than any barony or half barony, adjoining to a for a barony, barony or half barony or county of a city or county of a town, or district, which may have been so declared to be in a state of disturbance, such and so declared by many additional sub-inspectors, head constables, constables, and sub-constables, exceeding the numbers aforesaid, as he or they shall think proper, not exceeding disturbed state, four such head constables and one hundred such constables or sub-constables for each such barony, half barony, county of a city, county of a town, or district of lesser extent than any barony or half barony: Provided always, that whenever it shall appear to the lord lieutenant or other chief governor or governors of Ireland, acting under the advice of the privy council of Ireland, that any tion to have such barony, half barony, county of a city or town, or lesser district, has ceased to be in ceased to be in a state of disturbance, and that it shall be declared by the state, the addilord lieutenant or other chief governor or governors of Ireland, by proclamation made with the advice of the privy council of Ireland, that such barony or half barony, county of a city or town, or lesser district, has ceased to be in a state of disturbance, then from and after one month from the publication of such proclamation in the Dublin Gazette the additional constabulary force so appointed for such barony, half barony, county of a city or town, or lesser district, shall be discontinued, and shall cease to be a charge on such barony, half barony, county of a city or town, or lesser district, or on the consolidated fund.

IV. And whereas it is expedient that the said reserve constabulary force provided and appointed under the said recited Act of the second and third years of the reign of her present Majesty should be increased in number: Be it therefore enacted, that in addition to the number of sub-inspectors, Lord lieutenant head constables, constables, and sub-constables, which by the said last-recited empowered to Act the said lord lieutenant or other chief governor or governors is or are reserve conempowered to appoint as and for a reserve force, it shall be lawful for the said stabulary force.

lieutenant to appoint any constables (not head constables stables, &c. part of Ireland proclamation to be in a

When barony &c. is declared by proclamaa disturbed tional constabulary force shall be discontinued.

lord lieutenant or other chief governor or governor sub-inspectors, four additional head constables, and two hundred additional constables and sub-constand shall be deemed to be a part of the said reserve to all and every the provisions and regulations a force under the said Act of the second and third present Majesty, or any Act amending the same, so may be altered by this Act.

Nothing herein contained to relieve counties from the moiety of the cost of a further constabulary force applied for by magistrates, or of the reserve force when employed therein, or of an increased constabulary force stationed there by the lord lieutenant.

V. Provided always, and be it enacted, that is the provisions of the said first-recited Act, seven county at large, at any general or special sessions l manner therein set forth, have since the first day eight hundred and forty-six certified or shall here lieutenant or other chief governor or governors that constables or sub-constables appointed for any su the due execution of the law within the same, and other chief governor or governors shall by reason appointed a further number of sub-inspectors, he sub-constables in or for such county as so certifie case in which any part of the reserve force afores be removed to or employed in any county, coun town, barony, half barony, or district, by virtue inspector-general as aforesaid, or in case the numb in or for any barony, half barony, county of a district of less extent than any barony or half b the lord lieutenant or other chief governor or gove ing therein or therefor additional sub-inspectors, h sub-constables as aforesaid, or otherwise, then and in this Act shall extend or be construed to e county, county of a city, or county of a town, bard from the payment of one moiety of the costs an or augmented number of the constabulary force or o said, but in either or any of such cases such moiet be raised in like manner as a moiety of the expen of the constabulary force, or as any such part remaining in any county, county of a city, or coun may be removed by virtue of such order as herein

"Provincial inspectors" to be styled "assistant inspectors general."

of them.

VI. AND be it enacted, that from and after the officers heretofore, under the provisions of the said years of her present Majesty's reign, styled "phenceforth be styled "assistant inspectors general."

able or may now be raised under the said recited

CHAPTER CI.

An Acr to authorize the Advance of Public Money to a limited Amount, to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage. 5-7 [28th August 1846.]

HEREAS the productiveness and value of much of the land in Great Britain and Ireland are capable of being greatly increased by drainage, and the extension of the operation of drainage is calculated to promote the employment and effectiveness of agricultural labour, and tends also to prevent disease, and to improve the general health of the community: And whereas it is expedient to facilitate works of drainage by advances of public money to a limited amount on the security of the land to be improved: And whereas an Act was passed in the last session of Parliament, intituled, "An Act to 8 & 9 Vict. " facilitate the inclosure and improvement of commons and lands held in " common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the nonexecution, of the powers of general and local inclosure Acts; and to provide for the revival of such powers in certain cases": And whereas an Act was passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act for the 1 & 2 Will. 4. " extension and promotion of public works in Ireland," and several Acts have c. 33., &c. since been passed for amending the same: And whereas a certain other Act was passed in the session of Parliament holden in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to promote drainage of 5 & 6 Vict. " lands, and improvement of navigation and water power in connexion with "such drainage, in Ireland": Be it enacted by the Queen's most excellent Majesty, Treasury may with the advice and consent of the lords spiritual and temporal, and commons, make advances make advances and commons. by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, upon the application of the commissioners for the execution and 1,000,000l. of this Act, to issue and advance, or cause to be issued and advanced, for the loans to for Ireland, be made under the provisions of this Act, out of the growing produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, such sum or sums of money as may be required for such loans, not exceeding in the whole the sum of two million pounds for Great Britain and one million pounds for Ireland; or, in case the said commissioners of the Treasury shall so think fit, it shall be lawful for them to direct the comptroller general of her Majesty's Exchequer at Westminster for the time being to make out and issue Exchequer bills to such an amount, not exceeding the said sums of two million pounds for Great Britain and one million pounds for Ireland, as they shall think fit to direct for the purpose aforesaid; but provided that the whole amount of such advances out of the consolidated fund and by Exchequer bills shall not together exceed the said sums of two million pounds for Great Britain and one million pounds for Ireland. [Rep., Stat. Law Rev. Act, 1875.]

not exceeding 2,000,000l. for Great Britain out of consolidated fund or by Exchequer bills, for loans under this Act.

IX. And be it enacted, that the Inclosure Commissioners for England and Inclosure Com-Wales shall be the commissioners for the execution of this Act in Great

5. So much of this Act as authorizes the commissioners of her Majesty's Treasury to issue for loans to be made under the provisions of this Act any sums of money not exceeding one million of pounds for Ireland, and all the provisions and powers in this Act contained relating to Ireland, and to the commissioners of public works in Ireland. rep., 10 & 11 Vict. c. 32. s. 1., subject to the provisions thereinafter contained for continuing under that Act all proceedings consequent upon any application for a loan under this Act.7

miasioners to be the commissioners for

executing this Act in Great Britain.

Appointment and removal of assistant commissioners and surveyors.

Allowances and expences to be regulated as provided by 8 & 9 Vict. c. 118.

Certain provisions of 8 & 9 Vict. c. 118. to extend to proceedings, &c. under this Act, as to lands in Great Britain.

Commissioners not authorized to compel attendance of witnesses.

Assistant commissioners, &c. may take declarations, and examine voluntary witnesses upon declaration.

Landowners desirous of obtaining advances may make application to commissioners, stating particulars. Britain; and it shall be lawful for the said Inclosure in the execution of this Act in Great Britain to secretary, clerks, messengers, and officers, who have by the said commissioners under the said Act of the and the said Inclosure Commissioners may, with a the said Act of the last session of Parliament in resouch Act, from time to time appoint a sufficient nutant commissioners and surveyors respectively for and may from time to time remove any such as surveyors for Great Britain; and the allowances expences of such assistant commissioners and surveyord in like manner as provided by the said Act of ment in respect of allowances and expences to assist the same Act, and such allowances shall not exceed the last-mentioned assistant commissioners.

XI. AND be it enacted, that, as regards lands in a sions of the said Act of the last session of Parliam to the proceedings and inquiries of the said Inclosur authority of such Act, and the authentication of instead applicable to their proceedings, and the authentications Act, in the same manner as if the powers Inclosure Commissioners were powers vested in the as herein otherwise provided: Provided always, the missioners shall not, for the purposes of this Act, or otherwise, to compel the attendance of any witness.

XIII. And be it enacted, that every assistant con Great Britain, and every commissioner, engineer, acting by the authority of and in the execution declarations, and examine upon declaration, in any Ireland respectively, all such persons as shall volunt the matter of any inquiry or proceeding under the XIV. And be it enacted, that any owner of the

improve the same by works of drainage, and may be advance by way of loan under the provisions of expence of such works, may, as regards lands in Great to the said Inclosure Commissioners, advance; and such application shall contain such p posed to be drained, the proposed manner of effecting estimated expence of effecting the same, and the value to be produced by such drainage, as may ensigned of the expediency of investigating or furth application; and every such application shall specific the applicant in the land to which such application; whether the advance applied for is intended to cover of the expence of the works.

Commissioners may require security for XV. AND be it enacted, that the commissioners bond or otherwise, to be given, in such form as t

owner of land making the application, for the payment to the commissioners payment of of such sum as the commissioners shall, as herein-after mentioned, order to be paid in respect of the investigation of such application, and (if they shall issue &c. a provisional certificate) of the expences of inspecting and ascertaining the due execution of the works; and, unless the commissioners shall otherwise direct, such payment shall be made by the person making the application, and shall not be a charge on the land to which such application may relate; and the commissioners may require such expences to be repaid before they shall issue a certificate under the provisions herein-after contained.

XVI. AND be it enacted, that the commissioners, if they shall think fit Inspection of (having regard to the statements contained in such application, and to the amount of the balance which may from time to time remain disposable for loans under this Act,) to entertain such application, shall cause the land, and the plan, estimate, and specification of the proposed drainage, to be inspected who shall reand examined by an assistant commissioner or surveyor or engineer, as the upon the same. case may be, who shall report his opinion thereon, and on the statements contained in the application; and if he shall be of opinion that the proposed drainage will effect an improvement in the annual value of the land which will exceed the annual amount which can be charged thereon under this Act in respect of the advance applied for, and that the drainage is proposed, under the plan and specification, to be effected in a substantial and durable manner, he shall annex to his report the plan, estimate, and specification, or duplicate thereof; and the commissioners may make such other inquiries in relation to any such application as they may think fit.

land, &c. to be made by an assistant commissioner or surveyor, &c.,

XVII. And be it enacted, that if the commissioners shall think that an advance in respect of the whole or of a proportional part of the cost of such works would be expedient, they may apply to the commissioners of the Treasury for their sanction for them to issue to the owner of land by whom such application shall have been made, or, provisional in case his interest shall have determined, to the owner of such land for the time being, a provisional certificate; [Rep., 19 & 20 Vict. c. 9. s. 1.]

If commissioners think an advance expedient, they may issue a certificate, with the sanction of the Treasury. certificate not to be issued

XVIII. AND be it enacted, that the commissioners shall not issue any such Provisional provisional certificate as aforesaid until notice shall have been given of the application for the advance to which such provisional certificate shall relate, till notice of by advertisement to be published in two successive weeks in some newspaper application has been given by circulating in the county or district in which such land may be situated, and advertisement. also in the London, Edinburgh, or Dublin Gazette, accordingly as the said lands shall be situate in England, Scotland, or Ireland, and two calendar months shall have elapsed from the publication of the last of such advertisements; and in case any person having any estate in or charge upon the land Persons into which such application shall relate shall within such two calendar months terested may signify in writing to the commissioners his dissent from such application, and dissent. state to the commissioners the nature of his estate in or charge upon the land, the commissioners shall certify such dissent to the owner of the land by whom such application shall have been made, and shall not issue such provisional certificate unless or until such dissent shall have been withdrawn, or an order shall have been made by the High Court of Chancery in England, or the High Court of Chancery, or Court of Exchequer at the equity side thereof. in Ireland, or the Court of Session in Scotland, as the case may be, in manner herein-after provided, authorizing the applicant to procure an advance under this Act to the amount and for the purpose in his application mentioned.

Consent of patron and ordinary to be had in case of glebe land.

In case of dissent, land-owners in England may apply to the Court of Chancery by petition for authority to procure advance.

XIX. And be it enacted, that when the land to an advance under this Act shall relate shall be church, chapel, or other ecclesiastical benefice, in commissioners shall not proceed thereon unless the the patron of such benefice shall have consented in

XX. And be it enacted, that in case any own Ireland shall be desirous of proceeding to procure after such dissent from such application shall have to the commissioners, he shall be at liberty, as: apply to the High Court of Chancery in Englar chancellor or master of the rolls, and, as regards l Court of Chancery, or Court of Exchequer at the eq by petition to the lord chancellor or master of the the Exchequer, praying that he may be authorized t this Act to the amount and for the purpose in his thereupon it shall be lawful for the court, without any counsel or solicitor, to refer it to one of the m Chancery, or the chief remembrancer of the said C all necessary and proper inquiries, and consider al produced before him, and thereupon to report whet beneficial to all persons interested in the land to w relate that such advance should be procured; and so dissented as aforesaid shall be served with due made, and shall be at liberty to attend the proceed made pursuant to such order shall be filed in the p which such order shall be made; and if no petition said court within fourteen days after the filing report may not be confirmed, or that the same m lawful for the said court, upon the presentation of and without the attendance of any counsel or sol confirm the said report absolutely, and also (in case remembrancer shall have reported that in his opi all persons interested in the land that such adva procured) to authorize the applicant to procure an the amount and for the purpose in his application any such special petition as aforesaid shall be prese said, praying that the said report may not be confir be reviewed, it shall be lawful for the said court ei aforesaid, or to refuse to confirm the same, or to ref chief remembrancer to review his report; and th opinion the case shall require the same, receive fu making any order upon such petition; and for the simplifying the aforesaid proceedings upon such app respectively, and the rendering the same inexpensiv lord high chancellor of Great Britain, with the assist rolls of England, and for the lord high chancellor of ance of the master of the rolls of Ireland, and for t Court of Exchequer in Dublin, respectively, from t orders and provisions as they may think proper rela their respective courts.

XXI. AND be it enacted, that in case any owner of land in Scotland shall Landowners in be desirous of proceeding with an application for an advance under this Act, after such dissent as aforesaid from such application shall have been signified tion to the to the commissioners, he shall be at liberty to apply to the Court of Session by Session. a summary petition, praying that he may be authorized to proceed with such application; and it shall be lawful for the Court of Session, in its discretion, if it shall appear that the works in respect of which such advance may be sought will be beneficial to all persons interested in the land, to authorize such application to be proceeded with accordingly; and it shall be lawful for the Court of Session in Scotland to make such orders or regulations for regulating or simplifying the proceedings upon such last-mentioned petition, and the inquiries which may be had thereon, as such court may think proper.

XXII. AND be it enacted, that a copy of every petition under this Act shall Copy of every be served fourteen days at least before the hearing thereof upon the person perition under who shall have signified his dissent from the application to the commissioners served upon to which such petition shall relate, or if such person shall be out of the United Kingdom of Great Britain and Ireland, then upon such person as the court to which the petition shall be preferred shall appoint for that purpose; and the said Court of Chancery in England, and the said Court of Chancery and Court of Exchequer in Ireland, and the said Court of Session, respectively, may order all or any of the costs of or relating to such petitions, and the proceedings thereon, to be paid by the petitioner, or by the person who shall have signified such dissent as aforesaid, if his dissent shall appear to the said courts respectively vexatious or improper, or to be paid as the said courts respectively shall think fit.

this Act to be person dissenting fourteen days previous to hearing.

petition.

XXIII. PROVIDED always, and be it enacted, that it shall not in any case be Order of court necessary for any owner of land within the definitions of this Act to obtain or apply for an order of the said High Courts of Chancery or Exchequer respectively, or of the Court of Session, (as the case may be,) for authority to make or pro-signified after ceed with an application for an advance under this Act, in case such notice by advertisement advertisement shall have been given as aforesaid, and no such dissent as drawn. herein-before mentioned shall have been signified within the time and in manner aforesaid, or such dissent shall have been withdrawn.

dissent shall have been

XXIV. AND be it enacted, that all husbands, guardians, committees, tutors Rights of and curators, for and on behalf of married women, infants, minors, lunatics, idiots, or fatuous or furious persons, and all feoffees and trustees, judicial cations or sigfactors, executors, and administrators, shall respectively have the same rights and powers of making applications and signifying dissents under this Act as such married women, infants, minors, lunatics, idiots, or fatuous or furious persons respectively would have had if free from disability, or as such feoffees or trustees, judicial factors, executors, or administrators respectively would have had if the estates, charges, or interests, (of which they shall be such feoffees or trustees or judicial factors, or which shall be vested in them as such executors or administrators,) had been vested in them in their own right; but no such guardian, committee, tutor, curator, feoffee, trustee, judicial factor, executor, or administrator, shall be in anywise concerned or obliged to signify a dissent to an application under this Act, or be in anywise responsible for the consequences of such application, or of the charge made in pursuance thereof.

guardians, &c. to make applinify dissents.

Commissioners may cause works to be inspected by a commissioner, assistant commissioner, or surveyor, &c.

Bank of England to open separate account with Inclosure Commissioners. Bank of Ireland to open separate account with commissioners of public works, &c. Commissioners, when satisfied of execution of works, may forward certificate to Treasury for an advance.

Treasury to transmit certificates to comptroller of Exchequer, who shall place the sum authorized to the credit of the commissioners, who shall advance it to the parties.

Commissioners may sell Exchequer bills issued for their account, and place proceeds to the account at the Bank.

Accounts of advances and repayments to

XXV. AND be it enacted, that the commissioner cause the works to which such provisional certificate by a commissioner, assistant commissioner, surveyed the due execution of such works; and such commissioner, surveyor, or engineer respectively may require vouchers, bills of account, or other documents, as no such due execution, and the amount of the expensactually incurred in the execution of such works.

XXVI. AND be it enacted, that the governor an England shall cause a separate account to be open Inclosure Commissioners, and with the receiver gunder the title of "Drainage Advances and Repays

XXVII. And be it enacted, that the governor and conshall cause a separate account to be opened in their boundle works and drainage in Ireland, and with the present in the second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second

report of a commissioner, assistant commissioner, surveye otherwise, that the works referred to in any such proexecuted according to the terms and conditions of such such part thereof as, under the terms of such provisional advance on account, has been so executed, and shall b otherwise that such expence has been actually incurre according to the terms of the provisional certificate, the certificates in duplicate under their seal, and accompanie to the commissioners of the Treasury, for an advance un tificate shall specify the land in respect of which such ad certify that such sum as therein mentioned should be named in respect of the drainage of such land; and the co upon the receipt of such certificate in duplicate from the one of their secretaries to notify their approval upon one o the same to the comptroller of her Majesty's Exchequer giving the necessary issue to the commissioners (whether produce of the consolidated fund or by Exchequer bills) proposed advance; and the said comptroller general is receipt of such certificate and directions, to cause the san of his office, and either give a credit on the Exchequer fu or Ireland, as the case may be, to the commissioners, or be placed to their account at the Banks of England or Ire amount specified in the certificate and directions from the and the said commissioners respectively shall upon suc produce of the sale of such Exchequer bills, give warran to the governor and company of the Banks of England o to pay from the "Drainage Advances and Repayment Acc named in such warrants or orders the sums specified the mended for such advance by the commissioners to the cor [Rep., 19 & 20 Vict. c. 9. s. 3.]

XXXII. And he it enacted, that it shall be lawful the execution of this Act, by the authority and uncommissioners of the Treasury, to sell such Exchequation for their respective accounts at the Bank of England and to cause the produce thereof to be placed to the Repayment Account at such Bank.

XXXIII. AND be it enacted, that the Inclosure Cunder their seal to the commissioners of stamps

contained in every warrant or order given by them for advances, with the date be kept by of the payment of the same by the Bank of England; and the commissioners of commissioners of of stamps. stamps and taxes are hereby required, upon receiving such notification, to cause a record thereof to be forthwith made in books of accounts in their office, to be kept upon the principle of double entry, debiting therein the land in respect of which the advance shall be made with the amount of the same, and crediting it by the rent-charge received from time to time by their officers in respect of such advance.

XXXIV. And be it enacted, that upon the issue as aforesaid of any advance, A rent-charge by virtue of a certificate under this Act, the land mentioned in such certificate twenty-two shall be charged with the payment to her Majesty, in respect of such advance, years to be charged for of a rent-charge after the rate of six pounds ten shillings rent for every one every 100%. hundred pounds of such advance, and so in proportion for any lesser amount, advanced. and to be payable for the term of twenty-two years, to be computed from the sixth day of April or tenth day of October which shall next happen after the issue of such advance, such rent-charge to be paid by equal half-yearly payments on the sixth day of April and the tenth day of October in every year, the first of such payments to be made on the second of such days which shall happen next after the issue of such advance in respect of which the rent-charge shall be charged.

XXXV. AND be it enacted, that every rent-charge which shall become Rent-charge in charged on land by virtue of this Act shall, where the same shall be charged on land in England, be recoverable by the commissioners of stamps and taxes for the time being by the same means and in the like manner in all respects as a rent-charge in lieu of tithes, if charged on the same land under the Act of the seventh year of King William the Fourth, intituled "An Act for the 6 & 7 Will. 4. " commutation of tithes in England and Wales," would be recoverable, and as if such rent-charge under this Act were a rent-charge in lieu of tithe made payable to her Majesty under the said Act of the seventh year of King William ; and such rent-charges in England Priority of shall be subsequent in order of charge to any rent-charge payable rent-charges. in lieu of tithe, and to any quit rent or chief rent incident to tenure, but shall have priority to all other charges on the same land; and every rent-charge Rent-charge in which shall become charged on land by virtue of this Act shall, where the same shall be charged on land in Scotland, be recoverable by the same means

and in the like manner in all respects as any feu duty or rent, or annual rent, or other payment, payable to her Majesty out of the same lands, would be

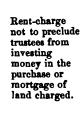
shall have preference over all other charges on the same land: Provided always, that if no legal proceedings shall have been adopted for the recovery of any such rent-charge within three years after the same shall have become

Scotland, how recoverable.

recoverable, but shall be subsequent in order of charge to any feu duty, but Priority of

payable, such preference shall not have place in regard to such rent-charge. XXXVI. AND be it enacted, that no proprietor of an entailed estate in Acceptance of Scotland shall be held to have contravened the conditions of the entail by advances up this Act in reason of having availed himself of the provisions of this Act; and no rentcharge imposed or created on any entailed lands in Scotland under the authority be deemed a contravention of this Act shall be made use of as a ground for adjudging, selling, or evicting of conditions such lands, or any part thereof, contrary to the provisions and conditions of of entail. the entail, but every such rent-charge shall be a good and effectual charge

advances under Scotland not to



Tenants for life, &c. to keep down rent-charges.

Drains and outfalls to be maintained, and state certified to com-

missioners.

Tenant for life, on default, liable to action of waste at suit of remainderman.

Tenant joining in application shall pay rent-charge or apportioned part thereof; otherwise he may deduct the amount paid by him from his rent.

upon and against such entailed lands to every against the rents and profits thereof.

XXXVII. AND be it enacted, that the rent-chabe charged on any land shall not be deemed supreclude a trustee of money held in trust to be of land, or to be invested on mortgage, from in chase of or upon a mortgage of such land so clause trust shall expressly provide that the land in mortgage shall not be subject to any rent-chathis Act.

XXXVIII. AND be it enacted, that every owner tion a rent-charge shall have become charged unceeding heir of entail, tenant for life, or life-rent limited interest in the land charged, shall, as be persons in remainder or reversion, be bound to professed such rent-charge which shall become payable his interest, and in case he shall be in the actual to an apportioned part of the rents and profits of the termination of his interest, shall also be a part of the half-yearly payment of such rent-charnext after the termination of his interest, proposhall have elapsed between the day of the previous the day of such termination.

XXXIX. AND be it enacted, that so long a charged with any such rent-charge the person of pay the half-yearly payments of such rent-charge the drains on account of which the lands shall he and to keep clear and open the outfalls of all in every year certify to the commissioners for the state of such drains and outfalls, and in default of the said drains and outfalls shall be liable to a nature of an action of waste for the damage the of the person then entitled to the next estate in resaid lands rendering him liable to the payment of determination of the estate in possession.

XL. AND be it enacted, that if any tenant or Britain shall join in the application for an advant by writing under his hand signify to the commit commissioner, engineer, or surveyor, his consent charged with the rent-charge, or an apportioned mentioned, in respect of the advance to be masuch tenant or occupier shall during his tenancy charge, or an apportioned part thereof, as hereicase the application shall be made for an advance as well of other land as of the land included in sioners may, upon such concurrence, consent, or occupier, by their provisional or any other certific of apportionment, declare what portion of the wherespect of such advance shall be payable by such the

tenancy in respect of the probable improvement of the land included in such tenancy; but, except as aforesaid, every tenant or occupier who shall pay such rent-charge shall be entitled to deduct the amount thereof from the rent payable by him to the owner of the land, and shall be allowed the same in account with such owner;

XLII. AND be it enacted, that the rent-charges which shall become charged Rent-charges on lands in Great Britain under this Act shall be collected by the officers by collectors of appointed for the receipt of the land and assessed taxes for the several districts

ages and taxes in in which such lands shall be situated, under such rules and directions as the Great Britain. commissioners of stamps and taxes shall from time to time make or give in that behalf; and the monies payable in respect of such rent-charges shall be deemed monies under the care and management of the commissioners of stamps and taxes, and the said commissioners shall make such allowances in respect of the collection or receipt thereof as the commissioners of the Treasury shall direct; and all the monies so collected shall be in every case notified by the Application of officer receiving the same to the commissioners of stamps and taxes, and sums collected. remitted to their receiver general, who shall keep a separate account thereof, and shall, after payment thereout of such sums as may be authorized by the commissioners of the Treasury for defraying the expences attending the execution of this Act, pay over the balance on the said separate accounts from time to time, on the usual days of payment of the revenue of stamps and taxes, to the account of the Bank of England to be opened under the authority of this Act for drainage advances and repayments; and such monies when so paid by the said receiver general shall be transferred by the governor and company of the Bank of England to the account kept by the said governor and company with her Majesty's Exchequer as repayments for drainage advances, to be carried to and form part of the consolidated fund of the United Kingdom of Great Britain and Ireland on the books of the comptroller general of her Majesty's Exchequer.

XLIV. AND be it enacted, that if it shall be represented to the commis- Rent-charges sioners that the land charged with any rent-charge under this Act is occupied may be in separate farms, or shall have become the property of separate cwners, or that the owner thereof is entitled thereto under separate titles, or for distinct and separate interests, or is desirous to sell or dispose of a part or parts of such land, or that for any other reason it will be desirable that such rent-charge shall be apportioned, it shall be lawful for the commissioners, with the consent of the owner or owners of the land charged with such rent-charge, by order under the seal of the commissioners to apportion such rent-charge, so that a separate and distinct rent-charge may become charged on each separate farm, or on the land of each owner, or on the land held under each separate title, or for each distinct and separate interest, or on the part or each part which the owner is desirous to sell or dispose of, and the part intended to be retained by him, or on other separate parts of the said lands, but so that no rent-charge charged under such apportionment shall be less than twenty shillings; and the commissioners shall transmit every such order of apportionment to the commissioners of stamps and taxes. , who shall cause the rent-charges charged by such apportionment to be collected instead of

apportioned.

the original rent-charge charged on the land to shall relate, and as if the same were separate ren under this Act.

Landowners may redeem rent-charges. XLV. AND be it enacted, that, subject to such mentioned, any owner of land charged with su liberty, at any time before the expiration of two mencement thereof, to redeem such rent-charge or less than ten pounds annual charge, on paymes stamps and taxes, in respect of lands in Great Brit of the arrear (if any) thereof, and of such sum as a gate amount of the half-yearly payments not then or allowing discount after the rate of three pound per annum in respect of such several future paymes shall issue and deliver to such owner a certificate monies to be received by the said commissioners of their receiver general, and be applied by him in

Treasury to cause tables of rates of redemption to be framed.

Commissioners may make order for the repayment by owner of the expences of investigation, &c.

years during which the same are made redeemable limiting the times of the year in which they may XLVI. AND be it enacted, that it shall be law having regard to the time, labour, and expences of commissioner, surveyor, or engineer, or other per paid by the commissioners in or about the investigan advance, and (where they shall have issued a inspection and ascertainment of the due execution which an advance shall have been applied for or negative times.

order under their seal to order and declare that a mentioned, be paid to the commissioners, in respect expences as aforesaid, by the owner of land by have been made, his heirs, executors, or administs such manner as in such order shall be expressed, a payable to the commissioners; and all monies recin respect of such expences shall be paid by

provided with respect to monies to be received by

the commissioners of the Treasury shall cause ta

the rate at which the said rent-charges may be

Such sum may be retained out of monies to be advanced. Exchequer, and shall be carried to and form part Provided always, that where the commissioners sha a part of the expences of the investigation of the and ascertaining the due execution of the works expences in respect of which such loan, and the asshall be made, the commissioners may retain such part thereof as in their certificate expresses advanced by them to the owner of the land under

Bonds, &c. exempt from stamp duty.

Annual account to be made up and audited. XLVII. And be it enacted, that no bond or commissioners under this Act, and no certificate under this Act, shall be chargeable with any stam

XLVIII. AND be it enacted, that the Inclos receiver general of stamps and taxes shall cause to tion and audit an annual document, certified by

amount of credits on the Exchequer funds, or of Exchequer bills, placed to their account at the Bank of England, the sum issued therefrom upon warrants for advance for loans, and the repayments on account of such loans, to the thirty-first day of March in each year, and shall deliver the same to the commissioners for auditing the public accounts, such accounts to be deemed public accounts, and to be inquired into [and audited, and to be within all the provisions of all Acts passed for auditing the public accounts of Great Britain.

XLIX. And be it enacted, that for the purposes of this Act the following Interpretation words and expressions shall have the several meanings hereby assigned to them, unless there be something in the context repugnant to such construction; (that is to say,) the words "lord chancellor" shall mean also "lord. " keeper," and "commissioners of the great seal"; the words "commissioners " of the Treasury" shall mean the lords commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time · , or the lord high treasurer of the United Kingdom of Great Britain and Ireland for the time being; the words "the " commissioners" shall, as regards lands in Great Britain, mean the Inclosure Commissioners for England and Wales, ; the words "owner of land" shall, as to land in England and Wales, mean such person as, under the said Act of the seventh year of King William the Fourth, for the commutation of tithes in England and Wales, would be deemed the owner of such land for the purposes of the same Act; ; the words "owner of land" shall, as to land in Scotland, mean or include every fiar, life-renter, heir of entail, husband of a married woman seised in her own right, tutor, curator, and other guardian for any infant, minor, lunatic, or idiot, fatuous or furious person, and every trustee who respectively shall be in the actual possession of the land, or in receipt of the rents payable on the tacks, leases, or tenancies of the tenants in the actual possession thereof; and the words "Court of Session" shall mean the Court of Session in Scotland in either division thereof in time of session, or the lord ordinary officiating on the bills in time of vacation, as the case may be; the word "person" shall mean and include any body corporate, aggregate, or sole, as well as an individual: any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the

CHAPTER CIII.

masculine gender only shall mean and include a female as well as a male.

An Acr to make further Provision for the Government of the New Zealand [28th August 1846.] Islands. I'l

WHEREAS by an Act of Parliament made in the fourth year of her Majesty's reign, intituled "An Act to continue until the thirty-first 3 & 4 Vict.

c. 62, _{8,} 2.

7º This Act, and the Acts 3 & 4 Vict. c. 62. and 11 & 12 Vict. c. 5., and all charters. letters patent, instructions, and orders in council issued in pursuance thereof, are rep., 15 & 16 Vict. c. 72. s. 1., so far as the same are repugnant to or would prevent or interfere with the operation of that Act, or any letters patent or instructions to be issued under the authority or in pursuance of that Act.]

" Van Diemen's Land, and for the more effectual go " other purposes relating thereto," it is amongst oth shall be lawful for her Majesty, by letters patent issued under the great seal of the United Kingdom, colony or colonies any islands which now are or which prised within and be dependencies of the said color And whereas in pursuance and exercise of the power and by the said recited Act of Parliament, her Maje patent under the great seal of the United Kingdon minister the sixteenth day of November in the four reign, erect into a separate colony the islands of comprised within or dependencies of the said color with all other islands lying between thirty-four degree to the forty-seventh degree ten minutes south latitu hundred and sixty-sixth degree five minutes to the ninth degree of east longitude, reckoning from the n the said islands of New Zealand were thereby erect accordingly: And whereas, in further pursuance of Majesty did, by the said recited letters patent, authorized time being of the said colony of New Zealand and o a legislative council for the said colony, and did requ said legislative council should, in pursuance of the make and ordain all such laws and ordinances as m peace, order, and good government of the said co expedient to make further provision for the governm Zealand: Be it therefore and it is hereby enact excellent Majesty, by and with the advice and conse and temporal, and commons, in this present Parliam authority of the same, that the said recited Act of Majesty's reign, and all charters, letters patent, in

"day of December one thousand eight hundred and
of the then next session of Parliament, and to ext

Act to provide for the administration of justice in

Recited Act, and letters patent, &c. issued in pursuance thereof, repealed, so far as repugnant to this Act.

II. And be it enacted, that it shall be lawful for any letters patent hereafter to be issued under the Kingdom, from time to time to constitute and estable districts of the islands of New Zealand one or more

council made and issued in pursuance thereof, shall be repealed, abrogated, and annulled, so far and only so them are repugnant to or would interfere with or propresent Act, or may be repugnant to or would interpretent of any letters patent, charters, orders in tions, which may at any time hereafter be issued us pursuance of this Act: Provided nevertheless, that made and acts done under and in pursuance of the letters patent, instructions, orders in council, or any be as lawful, valid, and effectual as though this properties as the provided interfere with, or would prevent the operations.

Her Majesty may by letters patent establish municipal corporations in the islands of New Zealand. corporations, and to grant to any such corporations all or any of the powers which, in pursuance of the statutes in that behalf made and provided, it is competent to her Majesty to grant to the inhabitants of any town or borough in England and Wales incorporated in virtue of such statutes, or any of them, and to qualify and restrict the exercise of any such powers in such and the same manner as by the statutes aforesaid, or any of them, her Majesty may qualify or restrict the exercise of any such powers as aforesaid in England.

III. AND be it enacted, that it shall be lawful for her Majesty, in and by Her Majesty any letters patent hereafter to be issued under the great seal of the United may by letters Kingdom, from time to time to divide the said Islands of New Zealand into the islands into two or more separate provinces, and to constitute and establish within the establish same two or more separate assemblies; (that is to say,) one such assembly in separate and for each of such separate provinces; and that each of the said assemblies shall consist of and be holden by a governor, a legislative council, and a house of representatives.

assemblics.

IV. AND be it enacted, that each of the said legislative councils, when such Legislative legislative councils shall be constituted, shall consist of such persons as her Majesty shall for that purpose appoint; and that the members of each of the said houses of representatives shall be elected by the respective mayors, aldermen, and common councils of the several municipal corporations aforesaid situate within the limits of the government for which each of the said houses of representatives respectively shall be so elected, and that such elections shall take place in such manner and form and under such regulations as shall for that purpose be prescribed in any such letters patent as aforesaid.

sons appointed by her Majesty. Houses of representatives to be elected by mayors, aldermen, &c. of municipal corporations.

V. AND be it enacted, that it shall be competent for any such assembly so to Assemblies be constituted and established within the Islands of New Zealand, and they are hereby authorized and empowered (save as herein-after is excepted), to make and enact laws, statutes, and ordinances for the peace, order, and good government of of such parts of the said islands as shall be within the limits of any separate province for which any such assembly shall be so constituted and established as aforesaid, such laws not being repugnant to the laws of the United Kingdom aforesaid, or to the laws of the general assembly herein-after mentioned.

the government of the provinces for constituted.

VI. AND be it enacted, that it shall be lawful for her Majesty, in and by any Her Majesty such letters patent as aforesaid, to constitute and establish a general assembly in and for the Islands of New Zealand, to be called the general assembly of a general New Zealand, which said general assembly shall consist of and be holden by the islands. the governor in chief of the said islands, and a legislative council, and a house of representatives; and that the said legislative council shall consist of such persons as her Majesty shall for that purpose appoint; and that the said house of representatives shall consist of members of the respective houses of representatives of the several provinces into which the said islands may in manner aforesaid be divided, which members so to serve in the said general assembly shall be elected, nominated, and appointed by such persons, and in such manner and form, and upon and subject to such rules and conditions, as her Majesty by any such letters patent as aforesaid shall direct.

VII. And be it enacted, that it shall be competent to the said general General asassembly of the New Zealand Islands, and they are hereby authorized and sembly may make laws for empowered, to make and enact such laws, statutes, and ordinances as may be the purposes required for all or any of the purposes after-mentioned; (that is to say,) first, tioned.

herein men-

for the regulation of all duties of customs to be i or exportation of any goods at any port or place i and secondly, for the establishment of a general of original jurisdiction or of appeal from any of such separate provinces as aforesaid; and thirdly, of the jurisdiction and the course and manner of supreme court; and fourthly, for regulating the cu or the issue therein of any bills, notes, or other for determining the weights and measures to be u regulating the post offices within and the carriage parts of the said islands; and seventhly, for bankruptcy and insolvency to be in force through for the erection and maintenance of beacons and the said islands; and ninthly, for the imposition of on shipping at any port or harbour within the san VIII. And be it enacted, that the laws so to be

supersede those enacted by separate provinces. If questions arise as to the power, &c. of general and provincial assemblies. courts, &c. shall obey decision of general assembly, until her Majesty in council shall

decide.

Laws of general as-

sembly to

the aboriginal or native inhabitants of New Zes

repugnant to the general principles of humanity maintained for the government of themselves in dealings with each other, and that particular diswithin which such laws, customs, or usages she enacted, that it shall be lawful for her Majesty, by aforesaid, to make provision for the purposes af any such native laws, customs, or usages to the law statute, or usage in force in the said Islands of Native for the purpose of the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Islands of Native for the said Isla

XI. AND be it enacted, that it shall be lawful for letters patent as aforesaid, to make and prescribe all shall seem fit for determining the extent and bour comprised within any such municipal corporations lating the choice and election of the various office and of the members of the governing bodies there qualifications of the members of any such municipal or general assembly as aforesaid, and for determine which every such assembly or general assembly shall be a sembly shal

Provision for maintenance of laws of aboriginal or native inhabitants, where not repugnant to principles of humanity.

Her Majesty, by letters patent to make rules for fixing municipal districts, regulating choice of officers, qualifications, &c. of members of corporations and assemblies, procedure in

of the election of the members of the said houses of representatives, and how assemblies, and by what authority the same shall be dissolved or prorogued, and for pre- Bills for royal scribing the oaths to be taken or the affirmation to be made by the members of the said corporations, assemblies, or general assembly, or any of them, before entering on the discharge of the duties of their respective offices, and for prescribing the course of proceeding to be followed in the said respective assemblies, and in the said general assembly, in regard to the enactment of laws, statutes, and ordinances therein, and for determining in what cases the governor in chief for the time being of the Islands of New Zealand, or the governor for the time being of any other such separate provinces as aforesaid, shall, in the name and on the behalf of her Majesty, assent to any such laws, statutes, or ordinances, or reserve the signification of her Majesty's pleasure thereon, together with all such rules as shall be necessary for determining the effect of the disallowance by her Majesty of any such law, statute, or ordinance, although not so reserved as aforesaid, together with all such other rules, not heing repugnant to this present Act, as it may seem to her Majesty necessary to make and establish for carrying into full effect the purposes and objects thereof.

XII. AND be it enacted, that it shall be lawful for her Majesty, by any Her Majesty such letters patent as aforesaid, to appropriate and set apart, from and out of may approthe revenues of any such separate provinces as aforesaid, by way of civil list, apart out of for the maintenance of the administration of justice, and the principal officers of the civil government, or of such separate provinces as aforesaid, such sums of money as shall not exceed six thousand pounds by the year in any one of sum or mone of for the mainthe said separate governments: Provided always, that if by any law, statute, tenance of the or ordinance hereafter to be enacted in and by any such assembly as aforesaid, and assented to by her Majesty, provision shall be made for settling on her Assembly may Majesty a civil list in substitution for the before-mentioned civil list, then and fix civil list by in that case so much of this Act as relates to the before-mentioned civil list shall cease to be of any force and effect within the province in and for which any such law, statute, or ordinance shall so have been enacted.

XIII. AND be it enacted, that it shall be lawful for her Majesty, by such Grants of letters patent as aforesaid, to prohibit the grant or appropriation of any public money made money by either of the said assemblies, or by the said general assembly, in hy assemble money by either of the said assemblies, or by the said general assembly, in hy assemble money by either of the said assemblies, or by the said general assembly, in hy assemble money by either of the said assembles, or by the said general assembly, in hy assemble money by either of the said assembles, or by the said general assembly, in hy assemble money by either of the said assembles, or by the said general assembly, in hy assemble money by either of the said assembles, and having any case in which such grant or appropriation shall not first have been recommended by her Majesty or on her Majesty's behalf, with a view to or in aid of her Majesty, some specific public service to be performed within the said provinces respectively. tively, or within the said Islands of New Zealand collectively.

XIV. And whereas it may be convenient that some of the powers hereby vested in her Majesty should by her Majesty be executed, not by means of such letters patent as aforesaid, but by instructions under her Majesty's signet and sign manual, approved in her privy council, and accompanying or referred to in such letters patent: And whereas it may also be convenient that the exercise of some of the powers aforesaid should by her Majesty be delegated to the governor in chief of the New Zealand Islands for the time being, or to the respective governors of the said respective provinces for the time being. and that it should be competent to her Majesty from time to time to amend, and for that purpose to add to, or, if necessary, to repeal, any such letters patent or instructions as aforesaid: Be it therefore enacted, that it shall be

priate and set the revenues of any separate province a sum of money civil govern-

ordinance.

by assemblies,

Certain powers vested in her

Majesty may be delegated to governor of the New Zealand Islands, and governors of provinces.

Letters patent issued under this Act to be published in the London Gazette, and laid before

Parliament.

Act shall be published in the London Gazette, Houses of Parliament within one calendar morthereof, if Parliament shall then be in session, calendar month next after the commencement of of Parliament: Provided also, that no such lett aforesaid which may be issued at any time subsect of December one thousand eight hundred and force or effect until the lapse of six calendar more have been so laid before Parliament, in so far as be to amend, add to, or repeal any other letters may theretofore have been issued in pursuance in said, or for any of them.

XVI. AND be it enacted, that for the purpose of

lawful for her Majesty to execute any of the

Majesty, not by means of such letters paten

instructions as aforesaid; and that it shall be la

such letters patent or instructions, to delegate to

such respective governors as aforesaid, the exaforesaid as it may seem meet to her Majesty so the manner and form in which, and the condidelegated authority shall so be exercised; and ther Majesty from time to time to amend, and for necessary to repeal, any such letters patent or in XV. Provided always, and be it enacted,

instructions which may be issued by her Majesty

Who are to be deemed governor in chief and governors of provinces.

for the time being administering, in virtue of I that purpose, the general government of the Islan considered as the governor in chief of New Zeal the time being administering, in virtue of her M purpose, the respective governments of any such said, shall be considered as the governor of such I

CHAPTER CX

An Acr to amend the Law in Ireland as to Eject to the Occupation of Lands. [*]

W HEREAS it is expedient to amend the la and distresses, and as to the occupation of

Sheriff, &c. may with consent of plaintiff exccute a writ or [VIII.b] And be it enacted, that it shall be labailist or officer, upon the consent in writing of the plaintist, or the attorney for the plaintist, to

I So much of this Act as relates to proceedings be c. 57. s. 1., but so nevertheless that the 8th and the land be by that Act affected or repealed.

I^b Section 8 is rep., so far as the same refers to the r Ireland, but not otherwise, 23 & 24 Vict. c. 154. s. 104 In cases of distress for rent a tender of the amount and costs before sale shall be sufficient to stay proceedings.

No distress for rent shall be lawful, unless made by landlord or his agent or receiver, or by virtue of a warrant properly signed.

Warrant free from stamp duty.

Party distraining for rent justly due not deemed a trespasser ab initio by reason of subsequent irregularity.

c. 93.
7 & 8 Geo. 4.
c 17.
No person
making any
distress for
rent, taxes,
rates, &c.,
where the sum
due shall not
exceed 20l., to
take other
charges than
mentioned in
the schedule

57 Geo. 3.

statement of such rent in such notice shall have without fraud or malice, or want of reasonable car

XI. AND be it enacted, that in every case of distrent in arrear and of the charges of such distress mencement of the sale of the property distrained a proceedings on such distress, and to entitle the preturn of the property so distrained; and the it distrained shall be at liberty to plead such tender cognizance, and shall be entitled to recover damage against the party by whom or by whose agent or be shall be withheld after such tender; and for the bailiff appointed in writing by the known agent or of the person substantially and beneficially entitled distress shall be made, shall be deemed to be the person so entitled.

XII. AND be it enacted, that no distress for ren the landlord of any premises, or his known agent be lawful, unless made by virtue of a written or p distrain signed by the landlord or person substantiato the rent for which the distress shall be mad receiver, directing the bailiff or other person to disperson or persons, named therein, and bearing upon name of the place at which it is signed, nor unless be signed within twenty days next before the time made: Provided always, that such warrant or ordefrom the payment of any stamp duty.

XIV. AND be it enacted, that where any distr rent justly due, and any irregularity or unlawful a by the party distraining, or by his agents, the distr fore deemed to be unlawful, nor the party a trespas aggrieved shall receive full satisfaction for the thereby, and no more, in an action of trespass or of plaintiff shall recover he shall be paid his full costs tenant shall recover for such irregularity, if tender by the party distraining, or his agent, before action

XV. AND whereas it is expedient to limit and regin Ireland, as it has been done in England by an Act year of his late Majesty King George the Third, into the costs of distresses levied for payment of small Act of the seventh and eighth years of the reign George the Fourth: Be it enacted, that from and a no person whatsoever making any distress for reimpositions, or assessments, where the sum demanded the sum of twenty pounds for and in respect of impositions, or assessments, save as herein-after whatsoever employed in any manner in making sact whatsoever in the course of such distress, or effect, shall have, take, or receive out of the productions.

Penalty on refusing to obey such summons or to be examined. complaint, or the defence against it; and if any moned shall not obey such summons without any or refuse to be examined upon oath, or, if a Qu upon solemn affirmation, then every such person pay a sum not exceeding forty shillings, to be order and by such means, and with such power before directed as to such order and judgment to

or parties in the original complaint, excepting so

If complaint unfounded, justice may give costs to the party complained against.

XVIII. AND be it enacted, that it shall be lashall find that the complaint of the party or founded, to order and adjudge costs not exceeding to the party or parties complained against, which effect and levied and paid in such manner, and with as is herein-before directed as to the order and original complaint: Provided always, that nothing power such justices to make any order or judge whose benefit any such distress shall have been much have personally levied such distress: Provided a

order, and herein-after provided for.

landlord unless
he personally
levies the
distress.

Parties aggrieved not to
be barred of
other legal
remedies, but
determination

of justices to

be a bar to

other proceedings.

No judgment to be given

against any

who shall be aggrieved by any distress for ren assessments, or by any proceedings had in the c and charges levied upon them in respect of the s legal or other suit or remedy which he, she, or th passing of this Act, excepting so far as any comp

Orders, &c. to be in form in schedule (B.) and judgment shall and may be given in evidence issue in all cases where the matter of such compl of any action.

XIX. And be it enacted, that such orders and

of this Act shall have been determined by the ore

tices before whom it shall have been heard and

Proof of orders.

shall be made in the form in the schedule (B.) I proved before any court by proof of the signature and judgment; and such orders, as regards personned as witnesses, shall be made in such form a

orders.

most fit and convenient.

XX. And be it enacted, that every broker, bai make and levy any distress whatsoever shall, if by the party distrained, give a copy of his charges of the distress whatsoever, signed by hir whose goods and chattels any distress shall be let the rent, taxes, rates, impositions, or assessment sum of twenty pounds, and upon default of so do any sum not exceeding forty shillings, to be reco

Brokers and others making any distress shall on demand give copies of their charges to the persons distrained.

Penalty for default.

justices, by distress and sale of the goods of the particle and of the schedule (B.) thereto annexed, which of distresses, shall be hung up in some convenient

of the peace acting for such district, and levied

Printed copy of clauses of this Act as to costs of dislands and tenements shall in due course of law be redeemed, in pursuance of the statutes in such case made and provided, these presents shall thenceforth be void.]

As witness our hands, this

day of

Tenants names.	Farm or tenement.		Yearly rent, or as the case may be.			When due.	Term of the holding.	Commencement of the term.
	-	9	£ 5	s. 0	d. 0	May 1 and No- vember 1.	One year [or for such term	1 November or 29 Sep
E.F.	-	11-	-	-	1121	March 25 and September 29.	as may be agreed on].	tember [a
G.H.	-	-	1	per	acre	May 1 and No- vember 1.	agreed on j.	as may b

Attorney for the plaintiff. Sheriff

Witness,

or sheriff's officer.

Nº 2.

FORM of acknowledgment by occupiers of lands recovered in ejectment upon the execution of a writ or civil bill decree for delivery of possession where the parties do not agree to an attornment as tenants.

, hath lately recovered WHEREAS A.B. judgment in ejectment [or a civil bill decree] for the lands and tenements in the respective tenancy or occupation of the persons under named respectively, amongst other lands and tenements: Now we, whose names are hereunder subscribed, upon the execution of the writ of possession [or decree in the said cause, according to the statute in that behalf, with the assent of [or the attorney for the plaintiff] in the said cause, the said A.B. testified by the said attorney for the plaintiff signing these presents, do hereby severally and respectively acknowledge that we respectively hold or occupy the lands and tenements now in our respective occupation as hereunder specified, by the leave and licence and for and on behalf of and at the will of the said , and that we will severally and respectively, when A.B. , or his authorized agent or receiver, required by the said A.B. , or his authorized agent or receiver deliver up to the said A.B. the possession of the said lands and premises in our respective occupation, as set opposite to our respective names in the schedule hereunder writer. * Provided always, that if the said lands and premises shall in due course of law be redeemed, in pursuance of the statutes in such case made and provided, these presents shall thenceforth be void.]

As witness our hands, this

day of

^{*} This proviso to be added where the ejectment or civil bill ejectment shall have been for nonpayment of rent.

SCHEDULE of the limitation of costs and charents, or rates, taxes, impositions, or twenty pounds.

Levying distress

Man in possession, per day each (but not exceedin unless upon information sworn before a justic violence is apprehended)

All expences of advertisements, if any such

Catalogues, sale, and commission, and delivery of pound on the net produce of the sale, if so auctioneer; otherwise, 6d. in the pound on the the sale.

CHAPTER CX

An Acr to facilitate and encourage the granting Years in Ireland.

WHEREAS it is expedient to encourage the for terms of years, in certain cases, and as herein-after mentioned: Be it therefore en excellent Majesty, by and with the advice and country and temporal, and commons, in this present Parliauthority of the same, that it shall and may be entitled in that behalf, who shall, after the passing any lands or tenements in Ireland for any term of the years, and not less than fourteen years, exceeding fifty pounds, without the taking of any any thing in the nature thereof, for the making of the same of the years, and the nature thereof, and the same of the years, and the nature thereof, for the making of any any thing in the nature thereof, and the same of the years, and the nature thereof, and the years, and the years, and the nature thereof, for the making of the years, and the years, and the years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, and years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, years, ye

Ireland for terms not exceeding 81 years, nor less than 14 years, reserving a rent not exceeding 50%. yearly, without premium, may be made according to the forms in the schedules to the Act 8 & 9 Vict. c. 124. or to those in the schedules to this Act.

Leases in

Deeds executed according to this Act held to include all outhouses, &c.

IV. AND be it enacted, that every such dee form and pursuant to the directions contained it unless any exception be specially made therein, s include all outhouses, buildings, barns, stables, y and other lights, paths, passages, ways, waterco tenances whatsoever, to the lands and tenements or in anywise appertaining.

deed of lease according to the form and pursuant

in a certain Act of the eighth and ninth years

Majesty, intituled "An Act to facilitate the gr

according to any of the forms and pursuant to the

schedules to this Act annexed;

Deed failing to take effect by this Act to be as valid as if this Act not made. V. And be it enacted, that any deed or part aforesaid, which shall fail to take effect by virtue be as valid and effectual, and shall bind the parti of law and equity will permit, as if this Act had

[or do] demise unto the said [lessee] or [lessees], administrators, and assigns, all, &c. [parcels timber and other trees, saplings and underwoods, gre said demised premises, with full power of ingress [lessor], his heirs and assigns, and others by him or cut down, manage, dispose of, or carry away the sam mines, minerals, and quarries, now found or hereafter premises, with full power of ingress and regress for and assigns, and others by him or them authorized for, sink pits for, manage, dispose of, or carry away thereof, and also excepting and reserving to the s assigns, and all persons by him or them authorized, regress, to lay out, make, or use any farm or occupa through the said demised premises, for the occupation mises, or of any other part of the lands or estates of and assigns, or to make any drain or drains, or wa the said demised premises, for the use of the same, or lands or estate of the said [lessor], his heirs and ass heirs and assigns, making reasonable compensation destruction which shall have been done to the said of the several acts aforesaid; and also excepting and r franchises, and all game, wild fowl, and fish, and hawking, fishing, coursing, shooting, and fowling on free liberty of ingress and regress to the said [lesso and others by him or them authorized, for the same, There state any other exceptions, if any

to hold the said lands and premises hereby demised unto the said [lessee], his executors, as from the day of for the term ensuing, yielding therefor, during the said term, the times and mode of payment, yearly, half-yearly, or

And the said [lessee] doth hereby, for himself, h
nistrators, and assigns, covenant with the said lessor
his executors, administrators, and assigns, will durin
the said [lessor] the rent hereby reserved, in manner
without any deduction whatsoever.

2. Provided always, and it is expressly agreed, reserved, or any part thereof, shall be unpaid for twe the days on which the same ought to have been p demand shall have been made thereof), then and in su for the said [lessor] into and upon the said demit thereof in the name of the whole, to re-enter, and the possess, and enjoy, as of his or their former estat contained to the contrary notwithstanding.

3. And the said [lessee] doth hereby for himself, I nistrators, and assigns, covenant with the said [lessor] his executors, administrators, and assigns, will also per and assessments whatsoever, whether parochial, par now charged or hereafter to be charged upon the said [lessor] on account thereof (excepting

SCHEDULE (C.)

Any of the covenants specified in this Schedule mannexed to the form of the lease, according parties.

1. And also that the said [lessee] shall not nor wassign, transfer, underlet, or set over, or otherwise by the said premises, or any of them, to be assigned, trover, unto any person or persons whomsoever, without of the said [lessor], his executors, administrators, obtained.

2. And also that the said [lessee] shall not during devise the said lands by his will or testament, or by more than one person, without the consent in writing executors, administrators, or assigns, first had and obtained to the consent in the consent in writing executors.

3. Provided always, that it shall be lawful for the or administrators, or his assigns, if any such there sha or devise the said premises to any one person charg of money for any other person or persons, and there the person to whom the said premises shall be so executors or administrators, or his assigns, if any such to sell or assign the said premises for the residue of one person, for or towards defraying the charges affect

4. That he the said [lessee], his executors, administration not nor will at any time hereafter, during the term erect, or permit or suffer to continue built or erected demised, any farmers dwelling houses, labourers he whatsoever, except such as he or they shall from the authorized to build or erect, or permit to be built or econsent in writing of the [lessor], or person for the reversion immediately expectant upon the term here!

 That the said [lessee], his executors, administ not nor will at any time or times, during the contingranted, take two white or corn crops in succession of lands hereby demised.

 And further, that the said [lessee] will not, with of the said lessor, his heirs or assigns, burn or permit the soil or surface of the said farm or lands,

7. Provided always, and it is expressly agreed, reserved, or any part thereof, shall be unpaid for twe the days on which the same ought to have been plemand shall have been made thereof), or in case of ance of any of the covenants and agreements herein part of the said [lessee], his executors, administrate in either of such cases it shall be lawful for the said [said demised premises, or any part thereof in the enter, and the same to have again, re-possess, and former estate, any thing herein contained to the cont

In whose name returns, &c. shall be made. this present session of Parliament for giving relief against adverse claims made upon persons having no interest in the subject of such claims: Provided always, that the return to be made to any such writ, and issues joined in fact or in law upon any traverse thereof, or upon any demurrer, shall be made and joined by and in the name of the person to whom such writ shall be directed; but nevertheless the same shall and may, if the court shall think fit so to direct, be expressed to be made and joined on the behalf of such other person as may be mentioned in such rules, and in that case such other person shall be permitted to frame the return, and to conduct the subsequent proceedings at his own expence; and in such case, if any judgment shall be given for or against the party suing such writ, such judgment shall be given against or for the person or persons on whose behalf the return shall be expressed to be made, and who shall have the like remedy for the recovery of costs and enforcing the judgment as the person to whom the writ shall have been directed might and would otherwise have had.

Proceedings not to abate by death, &c. of the officer having made the return. IV. And be it enacted, that in case the return to any such writ shall in pursuance of the authority given by this Act, be expressed to be made on behalf of any other person as aforesaid, the further proceedings on such writ shall not abate or be discontinued by the death or resignation of or removal from office of the person having made such return, but the same shall and may be continued and carried on in the name of such person; and if a peremptory writ shall be awarded, the same shall and may be directed to my successor in office or right to such person.

The costs of application for and writ of mandamus to be in the discretion of the court.

V. And for making some further provision for the payment of costs on application for mandamus: Be it enacted, that in all cases of applications for any writ of mandamus whatsoever in Ireland the costs of such application, whether the writ shall be granted or refused, and also the costs of the writ if the same shall be issued and obeyed, shall be in the discretion of the court, and the court is hereby authorized to order and direct by whom and to whom the same shall be paid.

VI. AND whereas it is expedient that parties interested in the issuing of or in the proceedings upon writs of mandamus shall be enabled in certain cases to have the judgments and decisions of the Court of Queen's Bench in Ireland in respect of the said writs, and of the proceedings thereon, reviewed by a court of error, if they shall so think fit, and that a certain mode of effecting the same shall be ordained and established: And whereas there is not any power or authority given by the said recited Act of the reign of his Majesty King George the Second to the person prosecuting a writ of mandamus to demur to the return made to any such writ, so that the decision of the said Court of Queen's Bench as to the validity of such return could be reviewed by a court of error: For remedy whereof, therefore, be it enacted, that in all cases in which the person prosecuting any writ of mandamus heretofore is well or hereafter to be issued shall wish or intend to object to the validity of any return heretofore made or hereafter to be made to the same, he shall do so by way of demurrer to the same, in such and the like manner as is now practised and used in the said court in personal actions, and thereupon the said writ and return and the said demurrer shall be entered on record in the said court, and such and the like further proceedings shall be thereupon had and taken as upon a demurrer to pleadings in personal actions in the said

Where prosecutor intends to object to the validity of a return to a mandamus, he must do so by way of demurrer.

Proceedings thereupon. mentioned, and the proceedings thereon, and the amount the said courts respectively may deem necessary to this Act in relation to the same respectively.

Ex. St. A.A.

END OF THE NINTH VOL





